

Written Comments Received on Tentative Order No. R9-2009-0004

The Regional Board is currently reviewing written comments on Tentative Order No. R9-2009-0004 for the proposed Gregory Canyon Landfill that were received prior to the deadline of 5:00 p.m. on July 13, 2009.

All comments received and responses to the comments, when completed, will be posted at the Regional Board's Gregory Canyon Landfill [website](#). This comment and response report is a work-in-progress and all efforts will be made to update the report as often as possible.

This report is separated into two sections: Individual Comments (sorted alphabetically by the commenter last name) and Grouped Comments. To find a comment from a specific individual or organization within this report please follow these steps:

1. Open the report with Adobe Acrobat Reader
2. Type the name of the individual or organization into the "Find" box at the top of the Acrobat Reader screen and hit enter
3. Press enter again to find more comments that include the search name.

As discussed in the Regional Board's Notice of Public Comment Period (see website link above), pursuant to Title 23, California Code of Regulations, section 648.4, the Regional Board may refuse to admit further written testimony into evidence if it was not submitted to the Regional Board by the July 13, 2009 deadline, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline created an unreasonable hardship.

Individual Comments

Commentor: John Adam -- Private Individual

Section:

Comment:

I strongly urge the Board not to adopt Tentative Order No. R9-2009-004 as the landfill will eventually leak and contaminate the San Luis Rey River, as well as many wells in the area.

Commentor: Andrew Bailey -- Private Individual

Section:

Comment:

This valuable and irreplaceable aquifer needs heightened protection. The proposed landfill poses an unacceptable level of risk even with stated mitigation measures: we know five and five are not enough protection in this region.

It seems like approval would go counter to the mission of the Regional Water Quality Control Board.

Please deny this dangerous project.

Commentor: Andrew Bailey -- Private Individual

Section:

Comment:

I thought we already said no to this!

This valuable and irreplaceable aquifer needs heightened protection. The proposed landfill poses an unacceptable level of risk even with stated mitigation measures: we know five and five are not enough protection in this region. It seems like approval would go counter to the mission of the Regional Water Quality Control Board. Please deny this dangerous project

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section:

Comment:

Gregory Canyon Ltd. is prepared to continue to work with the Regional Board to provide a complete and thorough detection monitoring program for groundwater and surface water to protect the surrounding water quality.

Gregory Canyon Ltd. is fully prepared to provide a replacement water contingency plan to provide water for downgradient receptors of basin water.

Gregory Canyon Ltd. has committed to obtain environmental liability insurance over and above the regulatory funding requirements.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Closure and Post-Closure Specifications G.2

Comment:

Revise to state: At closure, the Gregory Canyon Landfill shall receive a final cover, which is designed and constructed to function with minimum maintenance, and consists of, at a minimum, a 2-foot thick foundation layer (which may contain waste materials), a barrier layer consisting of a synthetic cover (i.e., a 60-mil LLDPE geomembrane); a HDPE drainage geocomposite layer (on the deck areas only); and a two-foot vegetative layer of random soils; or an engineered equivalent final cover approved by the Regional Board pursuant to CCR Title 27 §20800(b) and (c).

Rationale: The JTD currently specifies a LLDPE geomembrane, and not a clay liner, as the barrier layer in the final cover system. An engineered alternative may be proposed at a later date.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Closure and Post-Closure Specifications G.3

Comment:

Revise to state: At closure, the Gregory Canyon Landfill final cover shall be constructed to achieve a minimum 3 percent slope to prevent ponding and infiltration and allow for future settlement and 27 CCR Section 21090(6)(b)(1)(A).

Rationale: Three percent is the minimum slope required to maintain drainage. It would be impossible to maintain one uniform grade over the entire landfill footprint. Makes this provision consistent with the JTD.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Closure and Post-Closure Specifications G.6

Comment:

Revise to state: Vegetation used at the site shall be selected to utilize native vegetation species that require minimum irrigation and maintenance, and shall not impair the integrity of the landfill cover or containment structures, and meet the requirements of CCR Title 27, §21090(a)(3)(A)(1).

Rationale: Reflects EIR requirement that revegetation be done with native species, not just drought-tolerant species.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Specification C.5.e

Comment:

C.5.e., second sentence. Revise to state: Discharger shall monitor each well/MPar pair in one of two modes, as follows:

Rationale: Typographic error.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.11, first sentence

Comment:

Revise to state: Once the WMU is in operation, the primary LCRS shall be monitored for liquid in the sump (with a properly calibrated electric probe for pH and electric conductivity to monitor for changes that indicate the liquid is leachate as opposed to rainwater or construction water) [weekly until leachate is indicated].

Rationale: It is recommended that a protocol be established including weekly monitoring of the primary LCRS (along with the subdrain and secondary LCRS) so that the presence of liquid is identified at the earliest possible time.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.12.a.ii

Comment:

B.12.a.ii., first sentence. Revise to state: Any anthropogenic (non-metallic) compound included in the list of COC detected in samples collected from a groundwater monitoring well, and verified by a retest, automatically becomes part of the MPar list for the facility.

Rationale: Several COC metals are likely to be detected during the COC sampling event, however, because they are also naturally occurring, they are not particularly indicative of a release as compared with non-metallic COCs. Therefore, it is recommended that the only the non-metallic COCs be automatically added to the list of MPars. Cyanide, sulfide and metals would be added to the MPars only if measured concentrations exceed background levels.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.13

Comment:

B.13 Add new section B.13 as follows, then renumber current sections B.13 and B.14 to B.14 and B.15:

Soil Pore Gas

The Discharger shall install, expand as needed, and operate a landfill gas monitoring system in accordance with an approved landfill gas monitoring plan. The monitoring points shall be located along the perimeter of the landfill footprint within less than 1000 feet of each other. The monitoring points shall be monitored for methane, oxygen and carbon dioxide with a calibrated field instrument.

Rationale: Soil pore gas probe construction is included in the project and once the probes are constructed, it is proposed that they will be monitored quarterly in accordance with State regulations.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.2

Comment:

Modify the list of monitoring parameters to Appendix I VOCs.

Rationale: Federal regulation 258.54(a) and (b) indicates that the detection monitoring program must include the Appendix I list of constituents. Considering that the landfill will be fully lined, until leachate analyses indicate the presence of other anthropogenic compounds, the Appendix I VOCs are very good indicators of release.

This program is consistent with detection monitoring programs within the State. Any additional VOCs detected during leachate testing would be added to the list of MPars.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.6

Comment:
Delete.

Rationale: Light non-aqueous phase liquids are rare at landfills because of the lack of significant concentrations of fuel type hydrocarbons that would be required to produce a visible immiscible layer. Therefore, it is recommended that this item be removed. However, at a minimum, it is recommended that this item be revised to state that if dedicated equipment is installed in monitoring wells at the site that this requirement be waived, since it is not practical to remove the pump equipment to inspect for an immiscible layer.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.9.b.ii

Comment:
Revise to state: If methane is detected in the secondary LCRS at a concentration equal to or greater than 5%, vapor samples will be collected in a SUMMA canister and analyzed for volatile constituents using USEPA Method TO-14 [quarterly].

Rationale: To better quantify a significant detection, 5% methane is recommended as a threshold for gas analysis. Also note that the project proposes to include perimeter landfill gas monitoring as the landfill is developed.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Program B.9.b.iii

Comment:
Revise to state: Pressure changes in the secondary LCRS will be monitored every 15 minutes for the first 3 hours that landfill gas is extracted from the primary LCRS.

Rationale: The Kiefer Landfill M&RP cited in the Technical Report includes monitoring every 15 minutes rather than the stated 3 minute frequency. The reduced frequency will provide 12 data

points over the 3-hour monitoring period, which should be sufficient for assessment of pressure changes in the secondary LCRS.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Specification C.5.a.i

Comment:

C. 5.a.i., fourth sentence. Revise to state: At the discretion of the statistical analyst, the Discharger shall retire the well/MPar's oldest two years of background data (after 16 background data points have been collected), thereby producing a data set covering the then-previous four years (16 data points).

Rationale: In some cases a four-year data base is insufficient to represent changes in the water chemistry associated with the rainfall record. In the case of a significant drought condition after one or more above-average rainfall years, higher concentrations may be observed that would suggest a statistical indication of release, but when compared with similar data during earlier similar climatic conditions prior to and outside of the four-year data period would suggest normal background conditions.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Specifications C.5.a.i

Comment:

C. 5.a.i., third sentence. Revise to as state: Then, every two years as part of the annual monitoring summary report [see CCR Title 27 §20415(e)(14)], the Discharger shall add data to the background data set for each well/MPar pair after validating (via a method approved by the Regional Board), that the new data does not contain results indicating a landfill-related increase over the existing background data concentrations.

Rationale: In some cases an increasing trend may be observed, but be unrelated to the landfill (e.g., impacts from upstream activities, or climatic changes associated with a long-term drought condition).

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Specifications C.5.a.i

Comment:

C. 5.a.i., first sentence. Revise to state: Pre-Detection Background Data Set – Initially, except as otherwise provided in Detection Monitoring Specification C.5.a.i(3)(a) and (b) or C.7, for each given MPar at a given downgradient monitoring well (well/Mpar pair), the proposed background data set shall consist of all validated data from that compliance well and parameter, for the period of four years after adoption of this Monitoring and Reporting Program, unless 16 data points have already been obtained at a monitoring well.

Rationale: Most of the wells included in the monitoring program already have been sampled a minimum of 16 times for COCs. Therefore additional quarterly COC sampling in these wells would not be warranted.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Detection Monitoring Specifications C.5.f

Comment:

C.5.f. Note the statistical program Santitas® is currently proposed for the monitoring program.

Rationale: This program meets the statistical requirements specified and is recognized as appropriate for use at the Gregory Canyon Landfill.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Discharge Specifications C.5.c, first sentence

Comment:

Revise to state: If recycled water is proposed to be distributed other than directly by water trucks for construction activities, prior to providing recycled water to a new use site, the Discharger shall arrange for a complete cross-connection shut down test performed by a certified cross-connection specialist of the San Diego County Department of Environmental Health (DEH) in the presence of an adequately trained and qualified designated use site supervisor.

Rationale: There are no plans to construct an irrigation system or hard plumbed recycled water system where a cross-connection test would be necessary. The EIR identifies direct delivery of the recycled water by truck to designated drop tanks, and distribution by specifically designated site recycled water trucks. These will be appropriately monitored in accordance with the San Diego County Recycled water guidelines under the direction of a Site Supervisor trained in safe use of recycled water.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Discharge Specifications C.5.m

Comment:

Irrigation with recycled water shall be during periods of minimal public use of the service area. Consideration shall be given to allow an adequate dryout time before the irrigated area will be used by the public.

Rationale: Use of recycled water would be required during operating hours, in order to meet dust control requirements on unpaved landfill roads, when landfill employees or waste truck drivers are present. However, these persons are trained professionals and adequate protections will be in place.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Fill Specifications F.5

Comment:

F.5, fifth, sixth, and seventh sentences.

Revise to state: The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development unless measures are taken to avoid any adverse impact to wetland and streambed functions and values of the mitigation areas and their buffers. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation, unless such measures are taken. Other infrastructure development to be prohibited (unless such measure are taken) includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

Rationale: Existing utility and transportation easements on the property must be reflected in the conservation easement. Development on those easements or other development on the property would be acceptable if adequate mitigation or compensation measures are implemented, and this provides flexibility as the project evolves over time. One example of this is the SDG&E gas line easement and construction through the habitat preservation area, which has been adequately mitigated through off-site acquisition and preservation of habitat.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 10.a

Comment:

10.a. Add new subsection (xiv) to state: (xiv). 12-inch thick subdrain gravel

Rationale: Makes this finding consistent with JTD.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 10.e

Comment:

10.e., third sentence. Revise to state: Groundwater collected in the subdrain would be discharged to a 10,000 gallon above ground storage tank.

Rationale: The tank receiving uncontaminated water from the subdrain would go to a separate tank, not one of LCRS storage tanks. Contaminated subdrain water would be directed to the LCRS storage tank(s).

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 11

Comment:

Revise to state: The operations layer for the Gregory Canyon Landfill will consist of a maximum two-foot thick sand or soil layer. The operations layer is placed over the liner system to provide protection of the double composite liner system against any damage i.e., by puncture, from the disposal of municipal solid waste and a non-woven geotextile is placed between the operations layer and the LCRS gravel layer which also provides long-term protection for the LCRS against clogging (due to the accumulation of soil from the operations layer).

Rationale: Adds the design detail of the non-woven geotextile, for the purpose of preventing clogging of the LCRS from soil comprising the operations layer.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 12, last paragraph

Comment:

Revise to state: Construction and operation of the borrow/stockpile areas, including the drainage facilities, will be conducted in accordance with the Best Management Practices (BMPs) developed as part of the Storm Water Pollution Prevention Plan (SWPPP). Excavation of the borrow/stockpile areas will be a maximum of 150 feet deep and positive drainage will be maintained.

Rationale: Makes the finding consistent with the JTD, and offers greater flexibility to operate the borrow/stockpiles in response to actual field conditions.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 12.a.

Comment:

Revise to state: Borrow/Stockpile Area A is approximately 22 acres and will be located west of the WMU footprint.

Rationale: See comment to Finding 12, which incorporates the discussion of depth for all borrow/stockpile areas from the JTD.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 13, fourth sentence

Comment:

Revise to state: Geosynthetic blankets or processed green waste will be used initially in conjunction with soil.

Rationale: Makes this Finding consistent with section D.10.b.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 14, after 4th sentence

Comment:

Add new sentence to state: The capacity of the treatment system will be increased as needed in the event of a release.

Rationale: Reflects language in the JTD and EIR indicating that the capacity of the treatment plant could increase if needed, and responds to comments made at the Workshop.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 16.c., third sentence

Comment:

Revise to state: Both of the desilting basins (east and west basins) will discharge to alluvial areas on the site for percolation.

Rationale: As discussed in the SWPPP, discharges from the desilting basins would be to the alluvial floodplain for percolation, in order to prevent any hydromodification to the San Luis Rey River.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 19, first sentence

Comment:

Revise to state: Development by the Discharger of a contingency plan to provide replacement water to all private and public well owners, and other parties reasonably anticipated to be affected by the release of wastes or waste constituents from the WMU is appropriate because:

Rationale: The technical memorandum prepared by Prof. David Huntley concluded "It is very likely that, if any release occurs to the fracture rock system, contaminants would be rapidly diluted to below the detection limit in the adjacent alluvial system. I am unaware of any alluvial aquifer which has been contaminated by releases to an adjacent fractured rock aquifer." Given those conclusions by a leading independent expert, it is not reasonable nor provides any benefit to require a replacement water contingency plan for wells located miles downgradient from the landfill that have no likelihood of being contaminated from landfill operations.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 22, first and second sentences

Comment:

Add "Department of Environmental Health" after "County of San Diego."

Rationale: DEH, not the County, is the CEQA lead agency for the landfill project.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 25.e, first and second sentences

Comment:

Substitute "drainage" for ephemeral stream.

Rationale: This descriptive term is more accurate, since this feature does not include an ordinary high water mark indicative of flows occurring on a routine basis.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 25.f. and g.

Comment:

Revise to state:

f. Gregory Canyon, Ltd. submitted an Application/Report of Waste Discharge on September 29, 2005 for discharge of waste (a landfill and associated infrastructure) to surface waters of the state. The project will result in the discharge of waste into 1.325-acre surface waters of the state as follows:

Surface waters of the State – Impacts (Acre)	Permanent and Temporary
Vegetated surface waters (Southern willow scrub)	0.400
Vegetated surface waters (disturbed Southern willow scrub)	0.400
Vegetated surface waters (Cottonwood-willow riparian forest)	0.200
Open channel	0.200
Ephemeral drainage (Gregory Canyon stream)	0.125
Total Impacts to surface waters of the State	1.325

g. The mitigation for proposed project impacts will consist of restoration and enhancement of 4.0 acres of surface waters of the U.S. and the state, consisting of 3.2-acres of Southern

willow scrub and 0.8-acre of cottonwood-willow riparian forest in the nearby San Luis Rey River floodplain (Pala hydrologic subarea 903.21). The overall mitigation ratio will be 3.02:1 (mitigation to impacts). Mitigation for impacts to coast live oak within the ephemeral drainage will be required at a ratio of 3:1 through the permits to be issued by DEH and the California Department of Fish & Game.

Rationale: Revises the impact acreage to southern willow scrub to be consistent with the EIR and Biological Assessment. In fact, the reference to 0.03 acres of SWS impact appears to be a typographical error, since the overall mitigation ratio included in the tentative WDR's of 3.02:1 is accurate if this impact is 0.4 acres (4 acres of mitigation to 1.325 acres of impact is a 3.02:1 ratio). Adds a discussion about mitigation for impacts to coast live oak, which technically does not need to be in the WDR's, but it was raised in the BIA comment letter and some explanation may be helpful.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 26

Comment:

Revise to state: The proposed project proposes to make use of recycled water consistent with the goals of Water Code, Division 7, Chapter 7, Water Recycling Law, and with the standards, policies, and regulations established in the Basin Plan for the achievement of water quality objectives.

Rationale: Recycled water would be used as needed as one source of supply, but its use is not required.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 29.a, first sentence

Comment:

Add "and April 29, 2009."

Rationale: Adds a reference to the recent Workshop.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Finding 29.b, first sentence

Comment:

Delete "October 12" and substitute actual date of Board hearing.

Rationale: Makes findings accurate.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: General Discharge Specifications B.3

Comment:

Revise to state: The discharge of wastes shall be confined to the designated disposal area, underlain by the liner system prescribed by Landfill Construction Specification E.6 of this Order (except as required for construction of the liner system).

Rationale: Same as comment to section A.4, parenthetical clarifies scope of authorization from WDR's.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications 3.4.c

Comment:

E.4.c., third sentence. Revise to state: All temporary slopes must comply with this specification throughout the range of reasonably anticipated weather and hydrological conditions during the existence of the temporary slope.

Rationale: It is not possible to predict or prepare for extreme and highly unusual conditions.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications E.10.a

Comment:

E.10.a., first sentence. Revise to state: Units with intermediate cover (as defined in CCR Title 27 §20700), which have been/will be exposed for longer than two years from the time the intermediate cover was installed, shall have a minimum of two-feet of soil cover (including the intermediate cover) maintained over the landfill unit.

Rationale: Clarifies that the two-foot requirement can be met in part with the previously placed one-foot intermediate cover.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications E.2

Comment:

Revise to state: The bottom liner system of the WMU will consist of a one-foot thick gravel blanket and gravel filled trenches with slotted collector pipes in the floor areas. The gravel shall be designed to prevent clogging over the service life of the subdrain system and protect the integrity of the liner system during the operating life, closure and post-closure maintenance period of the WMU. The Discharger shall collect and test

subdrain effluents for waste constituents and manage the effluent in compliance with all applicable federal, state and local requirements.

Rationale: This description is consistent with both the JTD and Finding 10.e.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications E.5.b

Comment:

Delete.

Rationale: This type of condition is only appropriate when a geomembrane or GCL is placed immediately above the foundation layer, not the compacted clay liner proposed for Gregory Canyon. In addition, a 12-ounce geotextile will be placed between the subdrain and the compacted clay liner. This condition would not provide any benefit or add to the integrity of the compacted clay liner.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications E.7

Comment:

Add sentence at end of subsection: Changes in the detailed ELLS testing methodology may be made with approval.

Rationale: This would provide flexibility to fine tune the ELLS testing methodology based on field conditions and to adjust to data as it is received.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Construction Specifications E.9.a.(2)

Comment:

Revise to state: Be comprised of gravel, sands, clays and/or silts.

Rationale: Of the soil types mentioned, only gravel and sands could meet the 0.01 cm/s permeability requirement. These types of loose materials are poorly suited for the primary purpose of the operations layer, which is to protect the liner from heavy equipment and placed waste. Also, this type of loose soil would be very difficult to maintain on side slopes. Finally, clogging of the LCRS is prevented by the use of a non-woven geotextile fabric between the operations layer and the LCRS. See comment on Finding 11.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Operation Specifications D.7.a

Comment:

Revised to state: The Discharger must implement and maintain the Construction BMPs as proposed in the Storm Water Pollution Prevention Plan for Gregory Canyon Landfill (GCLF), as amended.

Rationale: Corrects typographical error, also reflects that BMP's may change over time upon periodic review of the SWPPP.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Operation Specifications D.3

Comment:

D.3. Revise to state: Water used for facility maintenance shall be limited to the minimum volume necessary to meet applicable requirements of regulations adopted by, or any permit issued by, the San Diego County Air Pollution Control District.

Rationale: The requirements likely to be imposed by APCD are more stringent than simply avoiding immediate dust hazards, and may require more than very minimal use of water. However, the landfill plans to utilize non-toxic soil cement for many if not most dust control applications, which provides a higher level of control with much less water usage.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Operation Specifications D.6.b

Comment:

Revise to state: Non-contact surface water runoff within the boundary of the WMU which have been disturbed (i.e., precipitation that falls on disturbed areas within the WMU) shall be collected by the storm water conveyance system and discharged to the desiltation basins.

Rationale: Storm runoff from areas within the WMU would be directed to the perimeter drains prior to development of that portion of the landfill footprint. Storm runoff from all disturbed areas would be conveyed to the desiltation basins.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Operation Specifications D.7.b

Comment:

Add phrase ",or approved addenda" at end of sentence.

Rationale: Reflects that BMP's may change over time upon periodic review of the SWPPP.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Landfill Operation Specifications D.8.c

Comment:

Replace “six” with “24.”

Rationale: Makes this section consistent with section D.8.b.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Monitoring Provision A.6, first sentence

Comment:

Revise to state: The Discharger shall retain paper and/or electronic (portable document format [pdf]) copies of records

Rationale: The use of records in electronic format provides an alternate way of easily storing, maintaining and distributing monitoring program records.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Monitoring Provision A.7.h

Comment:

Move to the end of section A.6.c. as A.6.d.

Rationale: Though this information is important to be collected and maintained, it is more appropriately included as a record with section A.6 exceptions (to be kept more than 5 years), rather than section A.7.h, which is primarily related to groundwater sampling records.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Prohibition A.4

Comment:

Revise to state: The discharge of waste to areas of the Gregory Canyon Landfill without a prescriptive liner or engineered alternative liner, except as authorized by WDRs (e.g., as provided in Finding Nos. 25.b, 25.f, and 25.g) or the terms described in Water Code §13264, is prohibited.

Rationale: The clarifying parenthetical reflects that the WDR's also authorize placement of soil in the Gregory Canyon drainage for purposes of constructing the liner, which would technically be pollutants placed in an area without a liner.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.12

Comment:

Revise to state:

REPLACEMENT WATER FOR WATER SUPPLY WELLS. In the event of a release of waste constituents and/or waste degradation products from the WMU that affects beneficial uses of groundwater, the Discharger shall provide either wellhead treatment or replacement water to all affected private and public well owners, and to all affected parties. The treated water or replacement water provided shall meet all applicable federal, State, and local drinking water standards, and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste. The Discharger shall provide the Regional Board with a Water Replacement Contingency Plan for public and private well owners reasonably anticipated to be affected by releases from the WMU within 6 months of completing construction of the waste containment features for Phase 1 of the WMU.

Within 30-days of determining that there has been a release of waste constituents or waste degradation products from the WMU, the Discharger shall amend the Water Replacement Contingency Plan to include:

- a. An updated list of local private and public well owners reasonably anticipated to be affected by the release.
- b. A Public Participation Plan, including the following elements:
 - (1) Methods to identify interested parties (including private parties, public agencies, and environmental groups), and to maintain an interested parties list to facilitate public participation.
 - (2) Proposed methods and procedures to ensure adequate public notification of the release.
 - (3) Proposed plans to inform and involve the public during the investigation of the nature and extent of the release and implementation of corrective actions.
 - (4) Schedule for reporting implementation of public notification and public participation tasks to the Regional Board and updating the operating record for the facility.
- c. Proposed methods and schedules for:
 - (1) Testing private and public water supply wells reasonably anticipated to be affected by the release for waste constituents detected in the release.
 - (2) Identification of preferred methods to provide replacement water, including evaluation of importation of potable water, installation and maintenance of wellhead treatment systems, and other methods to provide affected parties with replacement potable water supplies for private and public water supply wells reasonably anticipated to be affected by the release.
 - (3) Reporting implementation of water replacement contingency actions to the Regional Board and updating the operating record for the facility.

Rationale: See comment on Finding 19 regarding limiting scope of contingency plan. Clarifies that wellhead treatment is an acceptable method for providing replacement water. Also,

shortens time frames for preparation of contingency plan and reporting, which was an issue raised by a number of commenters at the Workshop.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.17.m

Comment:

Revise to state: All surface waters of the U.S. that are to be preserved shall be fenced no less than 10 days prior to the start of any project activities as needed to protect the southwestern arroyo toad. A qualified biologist shall show all preservation areas to all appropriate construction personnel and shall explain the conditions of this Order and other permits regarding impacts.

Rationale: Makes consistent with EIR and HRMP. Also, arroyo toad is the only non-avian threatened or endangered species on the landfill property. Also, see comment on section H.17.o.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.17.o

Comment:

Revise to state: The Discharger shall notify the Regional Board in writing at least 15 days prior to actual start dates for each project component taking place in waters of the U.S. (e.g., bridge construction, installation of mitigation, etc.).

Rationale: This clarifying comments reflects that section H.17 deals with the 401 certification, which is limited to waters of the U.S. and does not include the Gregory Canyon drainage. Impacts and mitigations to waters of the State are addressed in section H.18.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.18.c

Comment:

Revise to state: The proposed mitigation must commence before, simultaneously with, or within the season of, impacts to waters of the State, as needed to compensate for the grading impacts, and implemented in accordance with the Restoration and Enhancement Plan.

Rationale: This reflects EIR and HRMP provisions that habitat creation and restoration would occur on a phased basis as development of the landfill proceeds. It is not required that all creation and restoration activities commence before any disturbance. Also, there may be seasonal constraints to certain activities, such as clearing of vegetation at the bridge crossing relative to creation of wetland habitat at the bridge crossing. Also, see comment to section H.18.d regarding the need for grow and kill cycles. The initial grow and kill cycles would take

more than 9 months before planting could begin, and creation and restoration would be not be considered complete until success criteria are met which could take up to 5 years.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.18.d

Comment:

Add comma between “mitigation” and “installation.”

Rationale: Based on the HRMP, habitat restoration occurs in three phases; removal of existing non-native vegetation and seed bank through several grow and kill cycles, planting, and completion upon meeting the success criteria. Reporting to RWQCB would occur with respect to each phase.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.18.g and h

Comment:

Delete.

Rationale: Duplicates sections F.5 and F.6.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.4, second paragraph and table

Comment:

Revise to state:

Initially, the Discharger shall establish financial assurances in the minimum amount of \$63,728,492. The financial assurances shall cover the costs estimated for closure, postclosure maintenance, and corrective actions for reasonably foreseeable releases from the waste management units at the Gregory Canyon Landfill:

TASK Estimate	Estimated Cost	Source of
Closure Volume 1, Page F.1-3	\$22,489,489	JTD (2008)
Post-Closure Maintenance and Monitoring Volume 1, Page F.1-9	\$36,405,687	JTD (2008),

Corrective Actions for
reasonably foreseeable
releases

\$4,833,316

JTD (2004),

Volume 1, Page B.5-22

Total = \$63,728,492

Rationale: Reflects 2008 update to closure and post-closure maintenance cost estimates.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Provision H.6

Comment:

Add a new paragraph at end of section: Notwithstanding the above, the Discharger may make modifications to the design and operation of the WMU not meeting the criteria set forth in sections I.1 and I.14 as long as it is demonstrated that the changes will provide equal or greater protection of water quality and are approved, without formal revision to this Order.

Rationale: This would provide the flexibility to make non-material changes without having to revise the entire WDR's, with approval of RWQCB staff, and this type of condition is included in most WDR's issued in California.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reporting Requirement I.15.a

Comment:

Delete.

Rationale: Duplicates section F.7.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reporting Requirement I.18

Comment:

This item is mis-numbered as 8 and should be re-numbered 18.

Rationale: Typographic error.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reporting Requirement I.18.d

Comment:

I.18.d, second paragraph, third sentence. Revise to state: Registration numbers of the responsible lead professionals shall be included in all plans and reports submitted by the Discharger.

Rationale: Use of professionals registered and certified within the State of California satisfies the qualifications required under State and federal regulations. It is not customary to submit a statement of qualifications with each technical submittal, as long as the lead professionals are properly registered.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reports to be Submitted H.14

Comment:

Note: The RWQCB is referred to the attached workplan proposed to expand and improve the coverage of the existing groundwater monitoring network and evaluate wellhead protection areas in the vicinity of the project site.

J. , Table, right column. Revise to state: Reference

Rationale: Typographic error.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reports to be Submitted H.2.e

Comment:

Revise to state: Monitoring well information, method and time of groundwater level measurement, and a description of the method of purging used before sampling;

Rationale: The original language implies a post-sample purge, though post-sample purging is no longer required by State or federal regulations.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reports to be Submitted H.3.a, sixth sentence

Comment:

Revise to state: The report shall include analysis of trends that have been identified over the last monitoring year, and analysis of any newly identified trends, significant changes in a known trend, or trend reversals identified in the data collected for groundwater, surface water (including seeps and springs), and vadose zone monitoring points (subdrains, the LCRSs, or landfill gas wells);

Rationale: Currently other vadose zone monitoring points are proposed rather than lysimeters as part of the monitoring system.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reports to be Submitted H.3.g

Comment:

Revise to state: A copy of the Storm Water Pollution Prevention Plan, as amended. This document may be submitted under a separate cover; and

Rationale: Frequently the storm water program is conducted by a separate consultant. Modification of this text provides some flexibility in managing separate consultants and meeting deliverable deadlines.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Reports to be Submitted H.5, first sentence

Comment:

Revise to state: Once leachate is detected within the primary LCRS, the Discharger shall submit the leachate monitoring results each January 31, taken from the previous October, including an identification of all detected Appendix II constituents and MTBE that are not on the most current version of the COC list for the WMU.

Rationale: The additional text clarifies timing of the first leachate report, to occur after leachate is measured in the LCRS sump.

Commentor: Sarah Battelle -- Gregory Canyon Ltd.

Section: Response to Leachate Seep, first sentence

Comment:

Revise to state: The Discharger shall report by telephone and facsimile within three days, the discovery of any previously unreported seepage of liquid from the WMU.

Rationale: It is recommended that the language be simplified to indicate any unreported liquid seep will be reported.

Commentor: Marjorie Caserio -- UC San Diego, Dept. Chemistry & Biochemistry

Section:

Comment:

I wish to express my opposition to the proposed Gregory Canyon Landfill. I am very familiar with the site as we have a home in Pauma Valley. Every few years the San Luis River becomes a raging torrent. This shows the damage that water can do when major storms hit. I

have photographs to prove it. The proposed landfill is too close to the San Luis River water shed and poses a serious and widespread pollution o the watershed, worsened by storms.

Apart from the watershed pollution potential, the ruinous effect of endless dump trucks along one of the most scenic rural routes in North San Diego County will be irreparable. Witness the traffic problems that have burgeoned with the opening of casinos along route 76. These problems will be magnified many times by the landfill traffic.

Commentor: Glenn Casey -- Sierra Club, San Diego Chapter

Section:

Comment:

I urge the Board not to adopt/pass the motion to open the Gregory Canyon Landfill because it will eventually leak contaminating and ruining the precious natural water resources in the San Luis Rey River and many wells in the area. It makes no sense to sacrifice these natural water resources for the landfill.

Please do not allow this.

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding 11

Comment:

First sentence: Consider exchanging the word "maximum" for "minimum: to agree with criteria in Finding 10.

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding 23

Comment:

A citation is made to CCR Title 27 §22112(a). It appears that there is no such section in CCR Title 27. Perhaps the author wished to cite CCR Title 27 §22212(a)?

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding 23

Comment:

A citation is made to CCR Title 27 §22112(a). It appears that there is no such section in CCR Title 27. Perhaps the author wished to cite CCR Title 27 §22212(a)?

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding 25.I

Comment:

This first sentence has an awkward construction. What does it mean that adoption of this order “acts as Clean Water Act §401” ? Perhaps you mean adoption of this order makes application of the requirements in the listed regulations?

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding 25.I

Comment:

Finding 25. I. : This first sentence has an awkward construction. What does it mean that adoption of this order “acts as Clean Water Act §401” ? Perhaps you mean adoption of this order makes application of the requirements in the listed regulations?

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Finding11

Comment:

Finding 11: First sentence: Consider exchanging the word “maximum” for “minimum” to agree with criteria in Finding 10.

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Provision H.4(a)

Comment:

Section 20950(f) of the CCR Title 27 states “For landfills required by the CIWMB to have financial assurance mechanisms under Chapter 6, the RWQCB shall assist the CIWMB: (1) by verifying the amount of coverage proposed by the discharger to meet applicable SWRCB-promulgated requirements of this subdivision; and (2) by participating in the CIWMB’s periodic review of the adequacy of financial assurance mechanisms, and in any enforcement action that such review reveals, as necessary.” Furthermore, other sections state “For solid waste disposal sites, the RWQCB shall coordinate with the CIWMB pursuant to §20950(f).” (CCR Title 27 §22207(a), §222112(a), §22222). It appears that Gregory Canyon Landfill is a municipal solid waste landfill and “required to be permitted as [a] solid waste landfills pursuant to Chapter 4 [§21450 and §21563] of this Division and ha[s] been or will be operated on or after January 1, 1988.” (CCR Title 27 §22205, §22210, §22220) and therefore required to “demonstrate financial responsibility to the CIWMB.” (CCR Title 27 §22206, §22211, §22221) Furthermore, according to the Solid Waste Information System (SWIS), it appears that Gregory Canyon Landfill has financial assurance responsibilities to the CIWMB. SWIS Database:

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Provision H.4.a

Comment:

Section 20950(f) of the CCR Title 27 states "For landfills required by the CIWMB to have financial assurance mechanisms under Chapter 6, the RWQCB shall assist the CIWMB: (1) by verifying the amount of coverage proposed by the discharger to meet applicable SWRCB-promulgated requirements of this subdivision; and (2) by participating in the CIWMB's periodic review of the adequacy of financial assurance mechanisms, and in any enforcement action that such review reveals, as necessary." Furthermore, other sections state "For solid waste disposal sites, the RWQCB shall coordinate with the CIWMB pursuant to §20950(f)." (CCR Title 27 §22207(a), §222112(a), §22222).

It appears that Gregory Canyon Landfill is a municipal solid waste landfill and "required to be permitted as [a] solid waste landfills pursuant to Chapter 4 [§21450 and §21563] of this Division and ha[s] been or will be operated on or after January 1, 1988." (CCR Title 27 §22205, §22210, §22220) and therefore required to "demonstrate financial responsibility to the CIWMB." (CCR Title 27 §22206, §22211, §22221) Furthermore, according to the Solid Waste Information System (SWIS), it appears that Gregory Canyon Landfill has financial assurance responsibilities to the CIWMB. SWIS Database: <http://www.ciwmb.ca.gov/SWIS/37-AA-0032/Detail/>

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Provision H.4.b

Comment:

It appears that "The operator must annually adjust the estimate for inflation" (CCR Title 27 §22221 (a)(2)) and financial assurances are to be updated yearly, "by the anniversary date of the establishment of the fund" (CCR Title 27 §22225 (a)(1)).

Commentor: Ember Christensen -- State Water Resources Control Board

Section: Provision H.4.b

Comment:

It appears that "The operator must annually adjust the estimate for inflation" (CCR Title 27 §22221 (a)(2)) and financial assurances are to be updated yearly, "by the anniversary date of the establishment of the fund" (CCR Title 27 §22225 (a)(1)).

Commentor: Marjory Clyne -- Private Individual

Section:

Comment:

I am opposed to the development of the Gregory Canyon Landfill. Please do not adopt the Water Discharge Permit for this landfill.

In my view, the proposed Gregory Canyon Landfill poses unacceptable risks to irreplaceable precious natural water resources and habitats in San Diego County.

Commentor: George Courser -- Backcountry Coalition

Section:

Comment:

Your board, allowing Gregory Canyon as an agenda item, has undertaken an assignment of monumental proportion and importance. This project's potential impacts can only be classified with the most onerous ever reviewed by a California regulatory body. Diablo Canyon and San Onofre nuclear reactors stand-alone with Gregory Canyon in their potential to destroy surface and groundwater drinking supplies, contaminate square miles of pristine environments, as well as sicken thousands of California residents...in perpetuity.

Please be reminded that your Regional Board has every reason to confront this project with manifest trepidation and the utmost caution. The Board's engineering and geology staff is currently overseeing remediation of the Las Pulgas landfill on Camp Pendleton. This landfill, and its failed liner discharging leachate to groundwater, should prove instructive to staff and board members. Under direction from the Regional Board, Camp Pendleton was storing 300,000+ gallons of highly polluted leachate that threatened groundwater serving as the only source of drinking water for 30,000 Marines and their families. Top-level Regional Board staff made the following comment:

"There has never been a cleanup order in this county that has dealt with construction deficiencies like what we've seen at Las Pulgas," said John Odermatt, a senior engineering geologist for the water board. "I have never seen an engineering-related problem this large at another landfill."

<http://www.signonsandiego.com/news/military/20060330-9999-1mc30landfil.html>

Yes Board members...but what if there was an even more catastrophic, and more costly, "problem" following an adaptation by your board. Unfortunately, Las Pulgas, and even the totality of Pendleton's other widely ranging environmental damages are diminutive in light of Gregory Canyon's potential destruction.

Camp Pendleton, San Diego County's sole EPA Superfund site, serves as a minor illustration as to what Gregory Canyon could become should your board adopt waste discharge requirements. \$250,000,000 is an estimate of what it will cost to merely survey environmental damage to Pendleton. <http://www.signonsandiego.com/news/military/20051122-9999-1n22pollute.html> This incredible sum includes nothing for actual clean up and remediation

efforts. While Las Pulgas itself is not a Superfund site, a defective at-capacity Gregory Canyon landfill certainly will be.

In contrast to 56 shallow acres at Las Pulgas landfill, Gregory Canyon will be 183 acres, containing 31 million tons of garbage at phase out. The quantity of poisonous liquid leachate in this toxic crucible is unimaginable. Any failure – design, engineering, or seismic - could deliver this poison to ground and surface water sources unimpeded by any human remedial actions. Such is the horrifically obvious result when a class III landfill is sited on the border of a wild river flood plain.

I had the privilege of attending the Gregory Canyon workshop and listening to an overwhelming oratory of technical reasons why Gregory Canyon cannot be allowed to proceed. Among the most thoroughly described included the historically inevitable failure of any liner system and the unthinkable results of such a release upon failure into the San Luis Rey River and underlying aquifer. .

I request that each Board member personally asks staff whether there is any possibility of a constructed Gregory Canyon landfill to contaminate the groundwater drinking water supply for the City of Oceanside and its 173,000 residents. Should any possibility of poisoning this drinking water exist, I urge your responsible action in denying any tentative wastewater discharge requirements proposed for Gregory Canyon as inadequate to safeguard Oceanside's drinking water supply and the San Luis Rey River.

Commentor: Crystal Crawford -- City of Del Mar

Section:

Comment:

The City of Del Mar opposes the proposed Gregory Canyon Landfill and urge that alternate locations be evaluated in North San Diego County.

Commentor: Dave Crowell -- Private Individual

Section:

Comment:

I just wanted you to know that, as an Oceanside resident that lives downstream of this proposed project, it would make more sense for me to just dump my garbage in the vacant lot out back.. the waste would go to the same drainage and still affect my kids when we play at the beach.. but at least it would save my city the money that they'd spend on moving the garbage upstream with the same end result.

This is an ill-thought project. Don't support it.

Commentor: Dave Crowell -- Private Individual

Section:

Comment:

I just wanted you to know that, as an Oceanside resident that lives downstream of this proposed project, it would make more sense for me to just dump my garbage in the vacant lot out back.. the waste would go to the same drainage and still affect my kids when we play at the beach.. but at least it would save my city the money that they'd spend on moving the garbage upstream with the same end result.

This is an ill-thought project. Don't support it.

Commentor: Christopher del Riego -- Private Individual

Section:

Comment:

This letter is to voice my strong opposition to the Gregory Canyon Landfill proposal. The evidence shows it to be a highly unstable means of waste containment, near a critical water source for humans and wildlife. In these times of water shortage, such projects should not be allowed to put a critical resource at risk.

Commentor: Nancy Ellestad -- Private Individual

Section:

Comment:

please stop the Gregory Canyon Landfill!!!

Commentor: Delores Ervin -- Private Individual

Section:

Comment:

The proposed landfill will eventually contaminate the San Luis Rey River. The contamination cannot be reversed.

Commentor: Dale Essary -- RWQCB, Central Valley Region

Section: Finding 11

Comment:

Inconsistency between Finding 10.a.(i) and Finding 11.

Commentor: Dale Essary -- RWQCB, Central Valley Region

Section: Landfill Construction Specification E.7.c.(1)

Comment:

The requirement to perform an electrical leak location survey of geomembranes under Landfill Construction Specification E.7.c.(1) includes this directive on sideslopes. Has the Discharger (or anybody else) approached you, or have you looked into, the feasibility of sideslope leak tests, particularly at a canyon fill liner design where the slopes may be somewhat steep? (Just wondering -- I am of the impression that electrical leak location surveys are feasible only on slopes up to 5:1).

Commentor: Dale Essary -- RWQCB, Central Valley Region

Section: Landfill Operation Specification D.4

Comment:

It states in Landfill Operation Specification D.4 that groundwater separation of five feet from waste must be maintained. It appears to me that the overall thickness of the robust liner design assures this, by virtue of the 24-inch operations layer, the 12-inch primary gravel LCRS, the 9-inch secondary gravel LCRS, the 24-inch secondary compacted clay liner component, and the 12-inch gravel subdrain.

Commentor: Patsy Fritz -- Private Individual

Section:

Comment:

Concern regarding the impact of earthquake faults on the proposed landfill liner and potential contamination of the groundwater aquifer..

Commentor: Theodore Griswold -- Procopio

Section:

Comment:

The Regional Board relied significantly on the State Water Resources Control Board for issues regarding slope stability, groundwater movement and the replacement water plant. The public should be able to ask the State Board representative questions regarding these issues.

The Regional Board should schedule another workshop to discuss issues that were not discussed on April 29, 2009.

Commentor: Ruth Harber -- Riverwatch

Section:

Comment:

I am the Secretary-Treasurer of the environmental group RiverWatch and have fought for twenty years to keep the San Luis Rey watershed from industrial development that will pollute the river and the drinking water on which thousands of people in this part of North County depend on. I am hopeful that I do not have to convince your Board that this landfill project is dangerous to the wellbeing of the residents, farmers, Native American tribes and businesses along the San Luis Rey river.

In previous years, all opposition referred to many issues which were deemed to be unmitigable in the numerous Environmental Impact Reports published. We have now finally come to the issuance of waste discharge requirements which will no doubt clear the path for this dangerous project. This water issue is also "unmitigable" and I urge you to deny the permit.

The Regional Water Quality Control Board of our State has one primary duty - that is to keep our water safe - in this case, to keep leachates from a garbage dump from filtering into the groundwater. The promoters of this dump give you many guarantees that their liner(s) will not leak. May I remind you that even the manufacturers of these liners do not guarantee that they will not leak at one time or another.

Your staff has no doubt researched the project to the nth degree - many on staff are unhappy with the project - but they had a job to do. Now, your job is to consider not only their research but the huge public, organizations and local government opposition and to listen to the voice of experts who have nothing to gain by opposing this project except clean water.

In these times of drought - with supplies dwindling from year to year, it just doesn't make sense to allow a dump at the edge of a river which is the source of potable water for thousands of individuals. It is the duty of the Regional Water Quality Control Board to deny this pollution of the San Luis Rey river.

Thank you for taking my views into consideration.

Commentor: Ruth Harber -- Riverwatch

Section:

Comment:

Some people will go to any lengths, do anything, to win. Case in point: At the April 29, 2009 meeting where the Regional Quality Control Water Board staff heard comments from the public, two dozen or so high school kids 16 and 17 years old, were wearing a yellow sticker "I support the Gregory Canyon Landfill". Most of the participants in this workshop were vocal opponents of this trash dump -- some for as long as twenty years. I have spent twenty years fighting this dump.

As the meeting dragged, I took a breather and walked to the hallway. There, one young man, he said he was 17, approached and said he was moved by my presentation and it made him thoughtful about the environment. He wanted my autograph!

We talked and he confessed that he had been paid to attend the meeting! Who paid him, I asked. He said the Gregory Canyon Ltd. people (the proponents of this dump). And now, he wasn't sure he was doing the right thing! He was part of a class in Carlsbad, California, that sat through a "selling of the dump" presentation and an invitation to make a little money by showing up at this meeting wearing the yellow sticker!

I believe I convinced him that the proposed dump was a bad site, that it was a time bomb and that if this Board were to give a permit to the proponents for this dump at the edge of the San Luis Rey river, they would be playing Russian roulette with the water supply of tens of thousands of people. The young man willingly gave up his yellow sticker - I went back to the meeting.

Later, as we all were leaving the room, I saw him again and .. he was again wearing a yellow sticker - of course, I asked him why. His response: "I was told to wear it or I wouldn't get paid"!

As I said, some people will go to any lengths to win! That is so pathetic! Bringing in young people to "act" as shills makes you wonder if these developers ever tell the truth!

Commentor: Ruth Harber -- Riverwatch

Section:

Comment:

The Regional Water Quality Control Board of our State has one primary duty – that is to keep our water safe – in this case, to keep leachates from a garbage dump from filtering into the groundwater. The promoters of this dump give you many guarantees that their liner(s) will not leak. May I remind you that even the manufacturers of these liners do not guarantee that they will not leak at one time or another.

Your staff has no doubt researched the project to the nth degree – many on staff are unhappy with the project - but they had a job to do. Now, your job is to consider not only their research but the huge public, organizations and local government opposition and to listen to the voice of experts who have nothing to gain by opposing this project except clean water.

In these times of drought – with supplies dwindling from year to year, it just doesn't make sense to allow a dump at the edge of a river which is the source of potable water for thousands of individuals. It is the duty of the Regional Water Quality Control Board to deny this pollution of the San Luis Rey river.

Commentor: Sean Harvey -- Private Individual

Section:

Comment:

I am opposed to the Gregory Canyon Landfill. The water I drink is extracted from the San Luis Rey River Basin, and I know there are plans to expand the extraction of more groundwater. All landfills eventually leak, and it may not be in my lifetime, but sometime down the road, the contaminated water will enter the groundwater. Not a question of if, but when. We should be concentrating on reducing our waste production first and where to store it second. With that said, I think you could find a better place to store it then so close to the aquifers in the area. Thank you for your time and consideration.

Commentor: Lesa Heebner -- City of Solana Beach

Section:

Comment:

Opposition to the siting of proposed landfill sites that will jeopardize the San Luis Rey watershed.

Commentor: Mary Hicklin -- Private Individual

Section:

Comment:

I am opposed to Tentative Order No. R9-2009-004 Waste Discharge Requirements for the Gregory Canyon Ltd. Gregory Canyon Landfill, San Diego County. It appears to me that it poses an unacceptable risk to precious natural water resources and habitats. Perhaps you are aware that San Diego is already under mandatory water use restrictions because California's water resources are drying up. People say it is a "judicial drought" but this ignores the fact that all living creatures need water. We cannot continue to ignore the needs of other species while wasting our precious water on inappropriate agriculture and the rest. Even if we didn't need our water resources so desperately, this project would still be unacceptable because of its almost certain catastrophic contamination of surrounding aquifers as the dump site liner degrades over time. This is a bad proposal, one opposed by the San Diego chapter of the Sierra Club for 20 years.

We have ruined so many of our precious natural resources, caving in to short term expediency and corporate interests. Won't you please take a stand for our Mother Earth, for our children and grandchildren? Leave them some unpolluted water somewhere!
Please oppose this bad idea!

Commentor: Lisa Hildabrand -- Carlsbad Municipal Water District

Section:

Comment:

I am writing on behalf of the Carlsbad Municipal Water District (CMWD) Board of Directors concerning the issuance of a Gregory Canyon Landfill Waste Discharge Permit. At the July 7, 2009 CMWD Board meeting, the Board of Directors unanimously adopted a resolution opposing the siting of the Gregory Canyon Landfill project immediately adjacent to the San Luis Rey River and the issuance of a waste discharge permit for the project by the Regional Water Quality Control Board.

The Carlsbad Municipal Water District (CMWD) is a water rights holder within the San Luis Rey River Aquifer (SLRRA). These water rights can be used for the production and eventual consumption of potable drinking water in the CMWD service area. Although CMWD does not currently utilize this source as part of the annual water supply, it is being considered as a future supply source and/or as a lease revenue source. CMWD staff is discussing the possibility of leasing these water rights to a local San Diego County water agency.

Whether CMWD utilizes this source for its water supply (now or in the future) or leases the rights to another agency, CMWD has concerns regarding the effect the proposed Gregory Canyon Landfill will have on the District's ability to use this water source or lease the rights because of contamination from landfill leachate or improperly controlled surface run off. The District is also concerned the project may impact the District's ability to exercise its water rights.

In addition, the river and corresponding aquifer are the source for drinking water for thousands of San Diego County residents. The CMWD Board of Directors is concerned with the potential impacts the landfill could have on this important municipal water supply and do not agree with landfills being placed next to an active river or tributary to an aquifer. If the landfill is approved and the liner fails, and most believe that it is only a matter of time, the resulting contamination will destroy the aquifer for generations.

For the reasons noted above, the Carlsbad Municipal Water District Board of Directors opposes the siting of the landfill and the issuance of a waste discharge permit for the Gregory Canyon Landfill project.

Commentor: Jesse Hutchings -- Upper San Luis Rey Resource Conservation District

Section:

Comment:

The landfill liner will eventually leak and permanently impact the water quality of the San Luis River basin.

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

The landfill is located over fractured rock. The toxic leachate will travel through the cracks, the path of least resistance, which lacks the natural filtering of soil. As the Staff report notes, predicting the direction of the flow of liquids in fractured rock with any confidence is not possible. This means that locating monitoring wells in the vicinity of the land fill that reliably test the water quality is not possible.

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

The Joint Technical Document (JTD) uses outdated information to estimate the composition of the chemicals of concern. Waste discharge reports from local landfills have not been consulted for more current and reflect regional municipal solid waste composition. The JTD fails to recognize the increasing use of batteries, compact fluorescent lamps as well as conventional fluorescent tubes, which contain mercury, are discarded at end of life and get into the landfill due to ineffective hazardous matter collection systems. Municipal landfill studies show measurable mercury in the leachate and gas emissions via the landfill working face and the buried solid wastes posing environmental and human health risks.

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

The water replacement plan will be impossible to implement. It assumes that replacement water will be available and the landfill owner will have the resources to deliver it.

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

Mitigation of a leak is questionable at best. To mitigate the leaks that contaminate the groundwater, the project proposes to filter the contaminated groundwater. As it is not possible to predict the direction, and multiple paths of the leachate leaks, it is very questionable that the filtering mitigation to restore water quality will be effective to protect human health.

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

Landfills will eventually leak the toxic leachate because the liner is made of plastic (HDPE, high density polyethylene). The plastic liner being exposed over time to the toxic chemicals in the leachate and pressure of the overlying solid wastes will develop stress cracks and fail. <http://www.waterconservationsummit.com/2009Presentations.html>

Commentor: Jean Kaiwi -- Private Individual

Section:

Comment:

Furthermore, the project will emit unacceptable levels of methane, a greenhouse gas plus other toxic gas emissions. The Gregory Canyon Landfill if approved will continue the now discouraged and soon-to-be obsolete practice to accept compostable solid waste compostable (organic matter), the source of methane gas. In fact it proposes to use green wastes as an alternative daily cover. The California Integrated Waste Management Board June 18, 2009 press release reports on their program to divert organic wastes from landfills and use it for biogas energy generation to reduce greenhouse gas emission from landfills. The Sierra Club also supports diversion of organic matter from landfills to minimize the generation of methane gas. Studies have shown that landfill gas collection systems are not effective to limit gas emissions to acceptable levels. The Joint Technical Document fails to address the health effects of toxic gas emission to persons residing and/or working within a 2 mile radius of the landfill.

Commentor: Eva Kerckhove -- Private Individual

Section:

Comment:

I am writing you today to oppose the Gregory Canyon Landfill for many reasons. The strongest reason I oppose the landfill is it will be built on top of water aquifers. If and when the liners leak, the aquifers would be contaminated with dangerous, toxic chemicals that can cause reproductive harm and physical ailments to people who consume the water. Our water supply is very scarce in Southern California, and if the landfill permeates the aquifers with hazardous, toxic chemicals we won't have a fresh, clean source of water for the residents of San Diego County.

Please, deny the construction of Gregory Canyon.

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

What is the status of the availability of recycled water for the proposed Gregory Canyon Landfill?

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

Issue 2. Landfill situated on fractured bedrock aquifer is not acceptable. The proposed landfill is in Gregory Canyon. The site will be excavated exposing a fractured bedrock base to provide the required volume to contain the solid waste deposits. With increasing demand for water, communities are turning to fractured rock aquifers. In response the United States Geological Survey, USGS, has a research program devoted to gain an understanding and to characterize groundwater flow conditions in fractured rock aquifers necessary to make cost-effective and sound decisions in groundwater management. The hydrology of fractured rock is extremely complex. Research has found that no method can unambiguously map fractures and their capacity for fluid movement (USGS-1). Contaminant fate and transport is fundamentally different in fractured rock than in sand and gravel aquifers (USGS-2). A California study also has found how complex it is to characterize fractured rock aquifers (Evans and Borchers). The Draft Technical Report describes the basis for Findings 6, 17 and 19. All are related to the hydrogeology of the site. The key findings are:

The bedrock geology is a complex of fractures, joints and dikes.

The deepest aquifer underneath the landfill footprint is an unweathered fractured bedrock aquifer

Groundwater flow in fractured bedrock is directed by the fractures.

The complex nature of the fractured rock aquifer makes it extremely difficult to predict with confidence the direction and volume of groundwater flow.

The permeable fractures that transmit high volumes of groundwater may be widely spaced and may not intersect the detection monitoring well system.

The unpredictability of fracture location and groundwater flows means groundwater monitoring system cannot accurately test water quality.

The requirement for the Replacement Water Contingency Plan are based on a), the complex hydrology of the fracture rock aquifer makes discharges of pollutants difficult to detect, delineate, and remediate in a short period of time and b), the JTD the aquifer pumping tests to characterize the aquifer did not satisfy the minimum conditions recommended in the literature.

The County of San Diego Integrated Waste Management Plan, Citing Element states (CIWMP-2):

Criterion No.1- Groundwater and Aquifers

The purpose of this criterion is to protect groundwater resources in the state. Alluvial aquifers and fractured rock aquifers are particularly sensitive to degradation; therefore, proposed sites which include these features are considered less desirable than sites without them.

Issue 2. Conclusion. The complex hydrology of fractured bedrock means that accurate groundwater monitoring to test for WDR compliance is not possible. As a measure of last resort, the WDR has included the Replacement Water Contingency Plan. All of which plus the County citing element leads us to conclude that the Gregory Canyon landfill site selection is not acceptable.

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

Issue 1. The proposed landfill containment system poses an unacceptable risk to the irreplaceable groundwater resources located within its watershed because the containment system will eventually fail and discharge toxic leachate and contaminate the groundwater. The containment system consists of a double composite liner placed in the excavated landfill pit site to contain toxic fluids (leachate) from leaking into the surrounding groundwater. In addition to the liner, a leachate collection and removal system is necessary to prevent excessive leachate accumulation within landfill. Failure of either the liner or leachate collection system can cause leachate leaks into the groundwater.

1.a Water and Water Related Resources within the Vicinity of the Gregory Canyon Landfill 3 (3 JTD Vol.1 Part D Table 12B)

A. Aquifers:

Name (AFY) *	Estimated Sustainable Yield in acre-ft/year
Bonsall Basin	5400
Pala Basin	2500
Pala/Pauma Basins	8000
	Total 15,900

*without groundwater management

B. San Luis Rey River Basin

Over 25 wells within 1 mile of the project providing water for industrial, agricultural and domestic use⁴ (4 This is a rough estimate. The JTD Part D Table 12D states this information is confidential)

Lower San Luis River Basin. Oceanside extracts 2,200 AFY from Mission Basin with plans to expand to provide additional 4,900 AFY for potable water supply

C. Bonsall Basin

Rainbow Municipal Water District is evaluating development of 3,000 AFY for potable water supply

D. Pauma Basin

Yuima Municipal Water District is pumping up to 2,700 AFY

E. San Luis Rey River riparian habitat and Park Master Plan

1.b. The Joint Technical Document Volume 1 Part B description of waste types is not adequate to assess their toxic effects on the leachate, landfill gas, and corrosive effects on the double composite liner and leachate collection and recovery system (LCRS). The JTD Table 4 Volume 1 Part B.1.5.4 uses the waste composition based on several landfills throughout California. It is not clear why the JTD did not use more detailed waste composition of a local landfill such as the City San Diego Miramar land shown in the County of San Diego Integrated Waste Management Plan. (C IWMP-1).

1.c. The JTD description of the typical leachate composition (Vol. Part B, page B.1-8 Table 3A Gregory Canyon Landfill Typical Leachate Composition.) is based on 1993 report, 16 years old. The data must be questioned because the chemical constituents in solid wastes change with time. It is notable that JTD did not obtain up-to-date waste discharge leachate monitoring reports from local landfills. The solid waste will likely contain new chemical compounds with harmful effects on the vital components in the LCRS. Consequently, relying only on Table 3A typical leachate to estimate the leachate chemical composition over the 30 year life of a landfill is highly problematical making it difficult to predict the long-term durability/reliability of the landfill containment components: the liners and leachate collection and removal systems.

1.d. The JTD design of the proposed primary leachate collection and removal, LRCS, is not complete (Part C Vol. 1 Part C.2.5.4). The secondary leachate collection system design details are absent in the JTD Part C. (Note error in Draft Technical Report5)(5 Page 19 Secondary Leachate Collection and Recovery System refer to Part C page C.2-7, which is erroneous as Part C does not mention the SLRCS.). The LRCS must reliably operate during and after landfill closure and therefore, it is as vital to assuring landfill integrity as the composite liner system (Montague). Reinhart and Chopra describe the critical issues in design, construction and operation of leachate collection systems (Reinhart). Assessing the long-term performance consideration of geotextile nets used in the leachate collection system is important (Narejo). The JTD failure to address this issue and the lack of design details is not acceptable.

1.e. List of contaminants of concern in the municipal solid waste is not adequate. The JTD fails to address emerging contaminants of concern. These include pharmaceuticals and personal care products and nanomaterials or nanoparticles. See the presentations by Hemmett (Hemmett) and report by Motzer (Motzer) for information on these emerging contaminants of concern. Pathogens are not addressed. The landfill accepts sewage sludge and other sources containing human and animal pathogen. The JTD does not address mercury in the solid waste deposits. Sources of mercury include electric switches, batteries, thermometers, barometers, and compact fluorescent lamps. Landfills convert metallic mercury into a more toxic form, methyl mercury, and is emitted in landfill gas and in the leachate (Raloff). The Northeast Waste Management Officials' Association has mercury reduction program (NEWMOA-hg). A

summary of their mercury research on mercury emissions from landfills is available on line (NEWMOA-2003).

1.f. It is important to recognize that landfill is lined by two types; the liner for the bottom and the other for the side slopes. These composite liners are constructed at the site, layer by layer. The bottom liner has 13 separate layers while the side slope has 6 layers. It is not a trivial task to properly construct the liners. Despite the quality assurance provisions for all the materials and on site inspection including the electrical leak location test after the liners are constructed, there is a finite risk (probability) that latent defects exist and cause a failure at some time after the landfill is in operation. By far the most damage caused in the liner is by human error (Peggs, Ian D).

1.g The National Research Council report Assessment of the Performance of Engineered Waste Containment Barriers (NRC) notes that very few observational data exist on landfill barrier systems including liners and none of the data extend beyond 30 years. Consequently, long-term performance relies on extrapolations of relatively short-term data and assumptions based on the long-term performance of the barrier systems components.

Issue 1. Conclusion. For the reasons described in items 1.b to 1.g, the Gregory Canyon Landfill poses an unacceptable risk of a failure that discharges toxic leachate into and contaminating the irreplaceable water resources.

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

The Sierra Club respectfully submits these comments explaining our strong opposition to the adoption of the Tentative Order R9-2009-004 Waste Discharge Requirements for the Gregory Canyon Ltd, Gregory Canyon Landfill. The proposed landfill is located on a fractured bedrock aquifer system that provides groundwater to municipal water districts and privately owned wells for domestic, industrial, and agricultural use. Until just a few years ago, almost all of San Diego County's water supply was imported from the Colorado River and the Bay Delta.

Protecting the

groundwater sources here in this region and nationwide has not been given the attention it needs; a valuable resource. Now that the imported supplies have been significantly cut back by the drought and mandated reductions in the Bay-Delta water local water official are looking at the local

groundwater resources to help offset the water deficits¹ (1 Lau, Angela, Going to the Well, San Diego Union Tribune, July 5, 2009

<http://www3.signonsandiego.com/stories/2009/jul/05/1m5ground213211-going-well/?uniontrib>).

The Groundwater Protection Council² (2

The Ground Water Protection Council is a national association of state ground water and underground injection control agencies whose mission is to promote the protection and conservation of ground water resources for all beneficial uses, recognizing ground water as a critical component of the ecosystem. http://www.gwpc.org/about_us/about_us.htm) in

November 2007 released their Groundwater Report to the Nation: A Call to Action

(Groundwater Protection Council). A short passage in this report indicates the importance of protecting groundwater resources.

All drinking water sources, both public and private, are vulnerable to contamination from an array of human activities such as septic system discharges, waste-site releases, underground storage system leaks, nonpoint-source pollution, and agricultural chemicals. Without diligent attention to managing these potential sources of contamination, our drinking water will come at a higher cost over time. This cost includes the increasing need for water treatment, monitoring, remediation, finding alternate water supplies, providing bottled water, consultants, staff time, and litigation. Source water protection is simpler, less expensive, and more reliable over the long term.

Summary. The review of the Tentative Order R9-2009-004 Waste Discharge Requirements and related documents for the Gregory Canyon Ltd, Gregory Canyon Landfill included consulting the technical literature to obtain a general understanding of the site selection and design of landfills.

The review has shown serious flaws in Tentative Order and the Joint Technical Document (JTD). Locating the landfill on the fractured rock aquifer is reason enough to reject the adoption of the Tentative Order because the complex nature of its hydrology makes it impossible for practical

reasons to implement a monitoring system that reliably and accurately detect and quantify discharges into the surrounding aquifers and the surface waters of the San Luis Rey River. The JTD has not provided adequate information indicating a lack of attention to details that are so critical to the design and construction of the landfill. The cited NRC report has found that there are only extrapolations of existing data to predict the on the long-term reliability of a landfill. These questionable factors lead us to conclude that landfill double composite system will fail. Finally, the

Tentative Order to include the two mitigation measures, the Contingency Water Treatment System and the Replacement Water Contingency Plan, both of which are fatally flawed. They are intended to protect the viability of the Gregory Canyon Landfill instead of protecting water quality of the natural water resources in the watershed.

For these reasons we respectfully urge you to reject the Tentative Order R9-2009-004 for the proposed Gregory Canyon Landfill because it poses an unacceptable risk to the valuable, irreplaceable natural water resources.

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

Please provide references cited in the text of the Staff Report.

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

The geology of the area on which the landfill is to be placed consists of excavated fractured rock.

The excavation includes blasting. Will the additional bore wells be drilled in the excavated areas

to determine changes in the hydrology? What load bearing analyses have been conducted on fractured rock before and after excavation? What analyses have been conducted on subsidence

of the excavated area over time? Has any analyses been conducted to determine differential subsidence and consequent failure (leakage) of the composite liners, bottom and slope?

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

A phased construction of landfill is planned with each phase consisting of excavation and site preparation. Because blasting is necessary to excavate rock, will the shock from the blasting cause damage to the engineered composite liners of the preceding completed landfill modules?

What special tests will be conducted to assure the integrity of the completed modules?

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

The draft Staff Technical Report notes that a reverse osmosis treatment may be required to treat

the recycled water. The required supply of recycled water is 193 acre-ft/year or 172,300 gallons/day. Taking into consideration the recovery ratio (on the order of 85%) of the RO system

this requires over 200,000 gpd capacity of the yet to be designed RO system and provisions to dispose of the brine. Designing and building this facility is not a small task. Will staff address this issue and the availability of recycled water before the August 12, 2009 hearing?

Commentor: Ed Kimura -- Sierra Club

Section:

Comment:

Why aren't pathogens and emerging contaminants being monitored?

Commentor: Ed Kimura -- Sierra Club

Section: Finding Nos. 14 and 19

Comment:

Issue 3. The two methods in the draft WDR (Findings 14 and 19) to mitigate the release of toxic leachate into the groundwater are not feasible; namely, 1) Contingency Water Treatment System, 2), Replacement Water Contingency Plan meeting drinking water quality standards to the public and private well owners and other parties affected by the release of wastes and waste constituents. The JTD, Vol.1 B.5.18, description on water treatment system using RO filtering states the purpose is to provide groundwater treatment “in the event groundwater impacts are identified.” Where to monitor the groundwater and where to extract the contaminate groundwater for treatment are not explained. Given the complexities of the fractured rock aquifer and the limitations on monitoring it is not possible to reliably detect all the well locations needing treatment. For this reason, this mitigation measure is bound to fail. The Water Replacement Contingency Plan Finding 19 in the Tentative WDR is not tenable. Adopting the WDR places higher importance on a landfill than protecting the water quality of the irreplaceable water resource. It ignores the cutbacks in the imported water supplies and the need to maximize the local water resources. It assumes that at some indefinite time in the future when the landfill containment systems fail and discharge toxic matter into the aquifer and surface waters, that the replacement water would be available and delivered to all owners of wells and others affected by wastes and waste constituents discharged from the landfill. To sacrifice the irreplaceable water resource for this landfill does not make sense. The simple and least cost solution is to protect water quality of this irreplaceable water resource is to eliminate the source of pollution by not adopting the Gregory Canyon Waste Discharge Requirement.

Commentor: Ed Kimura -- Sierra Club

Section: Page 24, Staff Technical Report

Comment:

Will the Discharger submit a workplan to enhance and improve the surface water monitoring plan prior to the Regional Board hearing on August 12, 2009?

Commentor: Victoria Kozak -- Private Individual

Section:

Comment:

Protect our water quality and supplies, NO to the landfill, do not issue the permit.

Commentor: Donald Lee -- Private Individual

Section:

Comment:

Please oppose Tentative Order No. R9-2009-004 Waste Discharge Requirements for Gregory Canyon Landfill, because it will eventually leak and contaminate San Luis Rey River water resources. Thank you.

Commentor: Claude Lewis -- San Diego County Water Authority

Section:

Comment:

Leakage from the proposed landfill could adversely impact the San Luis Rey River Valley aquifers.

The Water Authority urges the Regional Board to carefully and closely evaluate any conditions necessary to address the negative water quality impacts that could occur to regional drinking water supplies from landfill leakage when considering the issuance of Waste Discharge Requirements for the project.

Commentor: Jedda Lorek -- Private Individual

Section:

Comment:

Opposed to location of the proposed Gregory Canyon Landfill above the San Luis Rey River.

Commentor: Rita Massey -- Private Individual

Section:

Comment:

Please do not accept this order to allow Gregory Canyon landfill. Please protect and preserve the aquifers of North County!

Commentor: Michael Mellano -- Farm Bureau San Diego County

Section:

Comment:

Commentor: Michael Mellano -- Farm Bureau San Diego County

Section: Provision H.12

Comment:

For farmers in San Diego County there is no other issue that rises to match the need for a sustainable and reliable water supply. In order to maintain agriculture in our community no segment of the water supply portfolio can be put at risk. The Waste Discharge Requirements for

this project must not be issued without the assurance that landfill leakage will never compromise the supply of water provided by the San Luis Rey River Valley aquifers through the use of redundant protections. To assist in meeting that goal we believe the liner and leachate collection

system should be augmented by an additional condition that requires sealing the fractures in the bedrock underlying the site.

Farmers in San Diego County have worked hard to establish their current position as the nation's twelfth largest farm economy among all counties in the nation. Much of that production is located within the San Luis Rey River Watershed where the growers depend on wells fed by the

San Luis Rey River or are patrons of the water districts that rely on that watershed. Farmers who are not in that area would be at risk as well should there be a loss of water supplies that would have to be replaced, thus reducing the region's overall water supply inventory.

Because current and future water supplies identified by the region's wholesale and retail water agencies and private well owners will be needed to meet projected demands, Condition H. 12, Replacement Water for Water Supply Wells, should be amended to state that the Water Replacement Contingency Plan cannot rely on any water supply already in use. The replacement water must only come from a new source or wellhead treatment systems.

It has been the position of the San Diego County Farm Bureau that the land use and environmental permitting authority for the Gregory Canyon Landfill should be with San Diego Serving San Diego County Agriculture Since 1913 County's Board of Supervisors. It is unfortunate that that authority has been wrested away. Because of this situation great responsibility lies with the Regional Water Quality Control Board to act within its authority to protect the public interest. Should you find that you are unable to apply conditions that sufficiently protect the waters of the San Luis Rey Valley aquifer or that there is any risk that the applicant will be unable to fulfill the conditions, it would be our position to oppose the issuance of the Waste Discharge Requirements.

Commentor: Robert Owen -- Private Individual

Section:

Comment:

I urge the RQWCB not to approve the Gregory Canyon Landfill because it will eventually leak, contaminating and ruining the precious natural water resources in the San Luis Rey River and many wells in the area. It makes no sense to sacrifice these natural water resources for the landfill.

I visit various parts of the San Luis Rey River with some frequency and wish to preserve/improve its current [albeit imperfect] condition. Let's not wreck it further!

Commentor: Victor Pankey -- San Luis Rey MWD

Section:

Comment:

Commentor: Victor Pankey -- San Luis Rey MWD

Section:

Comment:

The provision is that there be a minimum of five years of records maintained. I would think that there really is no reason that those records should not be maintained forever. Because in the event of a failure, those records that show how the structure was constructed, how it was maintained, are going to be extremely important in any kind of an evaluation as to why it failed. And five years doesn't go back very far when you're talking about a failure that may occur in 10 or 15 years from now.

Commentor: Victor Pankey -- San Luis Rey MWD

Section: Finding 23 and H.4

Comment:

Commentor: Victor Pankey -- San Luis Rey MWD

Section: MRP D.1 and D.2

Comment:

We would like to be added to the notification under Paragraphs D.1 and D.2 in the event of a release.

We would like to be notified for all releases so that we would have a heads-up as to what might be coming our way.

Commentor: Hershell Price -- San Diego County Water Authority

Section:

Comment:

The liner will ultimately fail and this watershed will not be protected for future generations. Please remember Las Pulgas and the assurances that were given then. This will surely happen again at Gregory Canyon, and therefore this project must be stopped before it is too late.

Commentor: Hershell Price -- San Diego County Water Authority

Section:**Comment:**

There is enough existing landfill space in San Diego County to last at least until 2029. Due to increase recycling of materials, less waste is being directed into landfills, perhaps extending the use even longer.

Commentor: Hershell Price -- San Diego County Water Authority

Section:**Comment:**

The proposed Gregory Canyon Landfill will eventually damage and perhaps destroy the use of the San Luis Rey River. The liner will ultimately fail and this watershed will not be protected for FUTURE GENERATIONS.

Please remember Las Pulgas and the assurances that were given then. This will surely happen again at Gregory Canyon and therefore this project must be stopped before it is too late.

Commentor: Bruce Reznik -- San Diego Coastkeeper

Section:**Comment:**

The proponents of the landfill have yet to respond to major problems surrounding the construction, or the threat the landfill poses to San Diego County's water resources. The proposed landfill threatens the San Luis Rey River, which provides drinking water to the City of Oceanside, among others.

Commentor: Bill Ring -- Private Individual

Section:**Comment:**

I worked for the County of San Diego and was involved in the study to find new landfill sites 20+ years ago. While we were obtaining a title report to

inspect Gregory Canyon as a potential site the company presently seeking a permit moved in and bought the property. The County study ultimately rejected the site because of its proximity to the San Luis Rey River. The vote that denied the County jurisdiction to regulate the site was a very cynical move foisted on voters who had no idea where this site was located or what the consequences of their actions were. The campaign was based on one company with the resources to present their side of the case against no real opposition (the opposition was unfunded).

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section:

Comment:

As you are aware, a Tentative Order has been issued for the proposed Gregory Canyon landfill, and a hearing on the Tentative Order before the Regional Board has been scheduled for its regularly scheduled meeting on August 12, 2009. However, as a "responsible agency" under the California Environmental Quality Act ("CEQA"), the Regional Board cannot take any action on the Tentative Order without first adopting the environmental review for the proposed landfill conducted by the San Diego County Department of Environmental Health, acting as the local enforcement agency under state law ("LEA"). At this time, we do not believe that an adequate environmental review has been completed.

In 2006, San Diego Superior Court ruled that the Final Environmental Impact Report ("FEIR") prepared by the LEA for the proposed landfill was inadequate, and the Court ordered the LEA to conduct additional analysis under CEQA. In relevant part, the Superior Court determined that the FEIR had failed to identify an adequate source of water for the proposed project, and had failed to evaluate the impacts of obtaining that water.

In response, the LEA prepared a Revised FEIR that identified two sources of water for the proposed landfill. First, the RFEIR indicated that the proposed project would obtain water from the fractured bedrock aquifer on the site by pumping groundwater from the point-of-compliance (POC) groundwater monitoring wells installed to detect leaks from the landfill. Not only is it improper to use POC groundwater monitoring wells as water-production wells, but we are troubled by the fact that neither the Tentative Order nor the Technical Analysis for the Tentative Order discusses using these POC monitoring wells as water-production wells.

But these on-site POC groundwater monitoring wells would not be able to provide a sufficient quantity of water to construct and operate the proposed landfill, the RFEIR also stated that Gregory Canyon, Ltd. ("GCL") would purchase up to 193 acre-feet per year (approximately 63 million gallons per year) of treated wastewater from the Olivenhain Municipal Water District ("OMWD") pursuant to an agreement with OMWD. This water was to be trucked nearly 30 miles to the proposed landfill.

In January of 2009, however, the Fourth District Court of Appeals ruled that OMWD had violated CEQA when it approved the agreement to sell water to GCL without complying with CEQA. As noted on the enclosed print-out from the County of San Diego website, on May 13, 2009, the Board of Directors of OMWD voted not to sell water to GCL for use at the proposed

landfill. Since the Board took that action, neither the LEA nor GCL has identified an alternative source of water for the proposed landfill. The County's web page admits that "the County will have to complete any necessary CEQA analysis" regarding any new source(s) of water.

Given this situation, it is our position that the RFEIR is invalid and will remain so unless and until the LEA identifies an adequate source of water for the proposed landfill, and analyzes the impacts of supplying that water. If a responsible agency were to rely on the existing RFEIR to support its discretionary actions, its actions could be challenged in court as being in violation of CEQA. Moreover, waste discharge requirements cannot be issued without some knowledge of the source of the water to be used. Consequently, we urge the Regional Board to stop processing the Tentative Order, to postpone the hearing on the Tentative Order scheduled for August, and to suspend and extend the time for submitting comments on the Tentative Order until a source of water has been identified and the LEA has complied with CEQA.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section:

Comment:

These specifications require implementation of a May 23, 2008, "Restoration and Enhancement Plan for Gregory Canyon Landfill." However, a subsequent plan titled "Habitat Restoration and Resource Management Plan for Gregory Canyon Landfill Property" dated October 7, 2008, was submitted to the Regional Board. The October version is titled as the "Final Report" and appears to be an expanded version of the May plan. The Pala Band previously submitted comments on the October plan and they are attached to and incorporated into these comments. (Exhibit F). The Regional Board should clarify which plan would be required to be implemented. The same problem occurs in Provision H. 18. (TO at pg. 41).

We note that the October Plan proposes to offset impacts that would be caused by the proposed landfill by "mimic[ing] the area's natural state as depicted in the 1928 aerial photo." (October Plan at pg. 3-1). But restoring the site to its 1928 condition of "open alluvial scrub, with oaks and possibly sycamores dispersed sparsely throughout" (the so-called "natural habitat") ignores the fact that in 1928 there was no landfill located adjacent to the area, and the surrounding areas were essentially undeveloped. Given the existing situation and the destruction of riparian habitat in Gregory Canyon that would occur if the proposed landfill is approved, the goal of any mitigation must be to provide habitat that is better than the habitat that existed in 1928 and which will offset the impacts of the proposed project.

In addition, the Regional Board should reject the discharger's proposal that it be allowed to phase the creation/restoration of mitigation measures to "match the phased construction of the landfill." (October Plan at pg. 3-2). Our understanding is that almost all construction would be completed within the first four years, so the timing of the impacts would be similar to those for a large construction project where phasing is not allowed. Moreover, even impacts from the first construction phase would be felt throughout the Gregory Canyon area not only in those areas that may not have been physically excavated or scraped. Wildlife corridors and habitat will be disrupted due to construction activity, blasting and the generally high levels of noise that would be generated. Consequently, the WDRs

should require that all mitigation measures be installed within the first year. No additional "phasing" should be allowed. The requirement in the Tentative Order that the proposed mitigation (implementation of the Restoration and Enhancement Plan) commence before the initial discharge and be completed within nine months of that discharge is proper. (TO at pg. 42).

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section:

Comment:

These comments are submitted on behalf of the Pala Band of Mission Indians ("Pala Band") to express their strong opposition to the issuance of Waste Discharge Requirements ("WDRs") and a Clean Water Act Section 401 certification for the proposed Gregory Canyon Landfill as proposed in the Tentative Order. As discussed below, issuing WDRs and other approvals would violate the Regional Water Quality Control Board's statutory duty to protect water quality because the proposed landfill as designed fails to meet regulatory requirements. More importantly, issuing WDRs would violate that duty because the proposed landfill would be located over a fractured bedrock aquifer that is hydrologically linked with aquifers that provide significant sources of drinking water to thousands of people, including the City of Oceanside, and on the banks of the San Luis Rey River. The location alone always has made Gregory Canyon the wrong place to construct and operate a landfill, and no engineering fix can remove the serious threats to water quality that the proposed landfill at this site would pose. The Regional Board must reject this seriously misguided proposal.

The Regional Board need look no further than the Technical Analysis prepared by Regional Board staff to support the Tentative Order to see why this is not the proper location for a landfill and why consideration of the Tentative Order is not appropriate. As discussed in greater detail below, the Technical Analysis acknowledges the significant problems inherent in siting a municipal solid waste landfill over a fractured bedrock aquifer. Critically, the Technical Analysis acknowledges that the fractured bedrock aquifer system at this site has not been adequately characterized, meaning that the existing point-of-compliance groundwater monitoring system is not adequate to ensure that inevitable leaks from the proposed landfill would be detected.

But rather than requiring that this critical deficiency be resolved before WDRs are issued, the Tentative Order simply allows Gregory Canyon, Ltd. ("discharger") to submit a plan in the future to address this serious failing. That cart-before-the-horse attitude is not protective of groundwater quality, and ignores the requirements of federal and state laws that an adequate groundwater monitoring system be in place before approval. The fact that, after all these years, an adequate groundwater detection monitoring system still has not been installed raises serious questions about whether one ever could be installed. That concern alone should have been sufficient for staff to demand that the discharger conduct additional investigation to resolve these issues before staff even issued the Tentative Order.

The question of whether an adequate groundwater monitoring system ever could be installed in the fractured bedrock aquifer is even more troubling in light of the fact that significant blasting of bedrock would be required for construction of the proposed landfill. As described in

the October 2008 Annual Emissions Inventory ("AIE") submitted by the discharger to the San Diego Air Pollution Control District ("APCD"), 40% of the material proposed to be excavated for the proposed landfill footprint would be "hard rock" that would require "drilling and blasting." (See Exhibit A, Letter to Chairman Bud Lewis, San Diego County Water Authority, Exhibit 2 at pg. 49). The AIE estimated that nearly 800,000 tons of material would have to be blasted, with up to 88 blasts required each year. {Id, at pgs. 50-51). Single blasts could consist of up to eight tons of a mixture of ammonium nitrate and fuel oil ("ANFO") and would be designed to impact an area of up to 0.5 acres or approximately 650,000 cubic feet of material. {Id. At pgs. 49-50.)

Even so, neither the Tentative Order nor the Technical Analysis mention that this blasting would occur, and the Regional Board has not required the discharger to determine what effects the blasting would have on the existing fractured bedrock system. Such significant and regular blasting could alter the fracture system, opening new fissures that would make any existing monitoring system even more inadequate. The San Diego County Water Authority also has expressed its concerns that this blasting could damage the San Diego Aqueduct pipelines which run next to the proposed landfill footprint and through a 150-foot deep pit proposed to be mined at the site. Such critical uncertainties make consideration of the Tentative Order premature.

As the Regional Board is aware, an adequate groundwater monitoring system would serve as an early warning system to detect the inevitable leak from the proposed landfill, and an undetected leak would cause serious environmental harm. But even with that acknowledgement, the Tentative Order never even mentions the fact that the discharger has proposed to continuously pump groundwater from seven of these point-of compliance groundwater monitoring wells and to use the pumped water on the site for dust control, irrigation of sensitive habitat, and other purposes. Although the Pala Band and others repeatedly have expressed their concern with the proposal to pump these groundwater monitoring wells, the Regional Board has never responded to those concerns. {See, e.g., Exhibit B, letters dated August 2, 2006, August 10, 2006 and December 27, 2007). For example, the Regional Board has not required the discharger to analyze if continuously pumping groundwater would further reduce the adequacy of this already-suspect groundwater monitoring system.

Even worse, although the inevitable leak from the proposed landfill would contaminate the groundwater that would be pumped continuously through these monitoring wells and then used on site, the WDRs do not require continuous sampling of the pumped groundwater or impose any additional sampling requirements. Rather, the WDRs still would require sampling and analysis only for a limited number of contaminants of concern ("COCs") on a quarterly basis and for most COCs only every five years. In the best-case scenario, that means that contaminated water pumped from these groundwater monitoring wells would be used on site for three months, but most likely for much longer than that. Use of this contaminated water in sensitive areas of the proposed landfill would have serious environmental consequences.

Given that use of contaminated groundwater would cause serious environmental impacts and would violate state law, the failure to even mention the issue in the Tentative Order and the Technical Analysis is troubling. We note that the Revised Final Environmental Impact Report for the proposed landfill ("RFEIR") also failed to address this issue, a fact which contradicts the Regional Board's claim that the water quality

impacts of the proposed landfill have been adequately analyzed under the California Environmental Quality Act ("CEQA"). The Regional Board's inaction on this issue is puzzling given that this is the first instance that we are aware of where a Regional Board would be approving the use of a landfill's point-of-compliance groundwater monitoring wells as water-production wells for operation of the landfill.

Also puzzling was staff's reaction when it was pointed out that samples collected by the discharger from the on-site groundwater monitoring wells in 2006 showed concentrations of the toxic chemical methylene chloride far in excess of its federal and state maximum contaminant levels ("MCLs"). (Exhibit B, Letter dated December 27, 2007), Data collected in 2006 and 2007 and submitted to the Regional Board also showed the presence of antimony in groundwater samples from a number of wells at concentrations that significantly exceeded its MCLs. These data highlight the significant risks of using pumped groundwater on the site. We do not feel that the issues raised by that data were ever resolved, but our understanding is that the Regional Board did not require the discharger to sample these groundwater monitoring wells in 2008.

Consideration of the Tentative Order is premature as well because the discharger has not identified a source of water for the proposed landfill, other than these groundwater monitoring wells. (The RFEIR admits that pumping those wells will not provide sufficient water for the construction and operation of the proposed project.) The discharger originally had stated it would purchase recycled water from the Olivenhain Municipal Water District ("OMWD") and truck the water 30 miles for use on the site. However, OMWD has informed the discharger that it will not provide recycled water for the proposed landfill. (Exhibit C). Because water from OMWD was the primary source of water for the proposed project identified in the RFEIR, that document is no longer valid under CEQA.

Not only would locating a landfill in Gregory Canyon threaten precious water supplies and significantly impact critical habitat for a number of endangered species, it also would desecrate sacred religious and cultural sites. As the letters attached as Exhibit D and submitted separately attest, the Luiseno Indians, including members of the Pala Band, strongly and personally oppose the proposal to dump 30 million tons of garbage on the side of Gregory Mountain (Chokla) and next to Medicine Rock, two sites considered sacred by Luiseno Indians. As eloquently stated in one of the letters, those sites and the San Luis Rey River "form a spiritual nexus, a place of cultural and religious significance that cannot be overstated" and to allow their desecration would be to allow "the desecration of the spiritual heart of a people with a long history of suffering and inequality." In considering whether to approve the WDRs that are necessary for the proposed landfill to be built, the Regional Board cannot simply ignore these valid and deep spiritual and cultural beliefs.

The fact that the Regional Board is even considering a permit to construct and operate a landfill next to a major river and the San Diego Aqueduct and above a fractured bedrock aquifer that is hydrogeologically linked with important drinking water aquifers is astounding. In balancing the risks and benefits of the proposed landfill, the need to protect drinking water supplies clearly outweighs the claimed need for another solid waste landfill. Proposed expansions of landfill capacity in the County and likely legislative actions that will severely restrict the disposal of waste make the proposed landfill unnecessary. If another landfill was needed in 1994 (which has never been borne out) it is not needed now. The Regional Board's duty is to protect water quality. For all the reasons discussed above and in detail below, the Tentative Order should not be

approved.¹ (1 In addition to these comments and the documents submitted with these comments, these comments incorporate by reference all CEQA documents, all documents submitted to the Regional Board by the discharger or the Pala Band and their respective consultants, attorneys, or representatives, and all correspondence from the Regional Board to any person or entity regarding the proposed landfill or the issues addressed in this Tentative Order or the JTD).

The Pala Band and numerous other groups and individuals have vigorously opposed the construction of this proposed landfill for years. While the Regional Board has successfully forced the discharger to improve the design of the proposed project, the problem remains that any landfill at the Gregory Canyon site would pose an unacceptable risk to water resources that supply thousands of people along the length of the San Luis Rey River. A site above a fractured bedrock aquifer on the banks of a major river is the wrong location for a landfill, and no amount of engineering can change that fact. While there are many other options for disposing trash, there are few options for obtaining secure water sources. Given the Regional Board's obligation to protect water sources, the choice it has is simple: WDRs should not be issued for the proposed landfill.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: B.10

Comment:

This provision would require the discharger to monitor the subdrain system quarterly if leachate is detected in the secondary LCRS and to take certain actions if it was to be determined that a release had occurred. The WDRs again fail to acknowledge that during this time contaminated groundwater would continue to be pumped and used on the site.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: B.11 and B.12

Comment:

These provisions address monitoring of the primary LCRS, which would occur only once annually. The provision does not make clear how the list of COCs would be developed, as it states that the discharger will continue to monitor for Appendix II constituents and MTBE "until a COC list for the WMU has been developed." The provision sets no time limit for developing the COC list (one year, two years of sampling?) and appears to allow any Appendix II constituent not detected in leachate to be deleted from the COC list and not analyzed for in future samples. That would mean a contaminant not on the COC list that might later be present in the leachate or in groundwater would not be detected. Allowing the discharger to create such a limited list of COCs would further increase the threat to water supplies posed by the proposed landfill and is not appropriate.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: B.4

Comment:

This provision requires the discharger to determine groundwater flow rate and direction in the monitoring wells quarterly. But, it is not clear how this can be done accurately when the wells are being pumped continuously. Without some analysis, there is no way to determine how the cone of influence of each of the wells is impacting groundwater flow rates and direction.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: B.6

Comment:

This provision requires the discharger to assess the wells for "the presence of a floating immiscible layer in all wells . . . at the beginning of each sampling event." Determining whether this immiscible layer exists will be impossible if the wells are continuously pumped. In fact, any contaminant that could cause an immiscible layer would have been pumped with the groundwater and spread on the site by the time a sampling event occurred.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: B.9

Comment:

If rainwater was to be detected in the secondary LCRS, it would indicate a leak in the system and would require an immediate response.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: C.1

Comment:

This provision requires the discharger to comply with groundwater and surface water monitoring requirements specified in Title 27. But those rules require that the groundwater monitoring system include point-of-compliance and other monitoring wells that "allow for detection of a release from the Unit" and "provide the best assurance of the earliest possible detection of a release from the Unit." (27 CCR. § 20415(b)(1)(B)). As noted above and discussed in the Technical Analysis, the proposed system does not meet those standards. There are similar requirements for the surface water monitoring system that the Technical Analysis admits would not be satisfied by the proposed system. (27 CCR. § 20415(c)). For that reason as well, WDRs cannot be issued.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: C.2

Comment:

This provision implements the Water Quality Protection Standard requirements in the rules. (27 CCR. § 20390). Although it properly identifies certain conditions required by the rules, it allows the discharger to establish the limited list of COCs described under Provision B. 11 of the Detection Monitoring Program. That violates the rules.

The rules require that the Regional Board specify in the WDRs a list of COCs that includes "all waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the Unit" (27 CCR. § 20395(a), with emphasis added). The rules also state that "the COC list shall include all constituents mandated under SWRCB Resolution No. 93-62." (27 CCR, § 20395(b)). There is sufficient data showing that all the contaminants on the Appendix II list are reasonably expected to be in municipal solid waste. The Appendix II list and the Resolution 93-62 list should be the baseline COC list, and any additional contaminants identified through the methods identified by the Regional Board should be added to that baseline list. The rules do not allow the COC list to be limited to contaminants detected in selected samples of leachate.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: C.3

Comment:

Again, although the JTD specifically states "[l]eachate collected in the storage tanks will be transported off-site for treatment and disposal" (JTD at pg. B.5-3), this provision allows collected leachate and landfill gas condensate to be disposed back into the landfill, with no conditions. Leachate can be a hazardous waste under federal and state laws, and this prohibition does not require that collected leachate be characterized under state and federal hazardous waste laws and thus does not specifically prohibit the discharge of leachate that is hazardous waste. Given that the JTD and the FEIR both stated that leachate would be disposed offsite, the discharge of leachate should be prohibited.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: C.4

Comment:

Subsection (a) of this provision allows the discharge of contaminated soil at the proposed landfill, but is ambiguous as to whose responsibility it is to ensure that the contaminated soil meets the requirements of the discharge specification. Specifically, subsection (a) identifies certain sampling protocols that must be followed to determine if contaminated soils are hazardous wastes or can be disposed at a municipal solid waste landfill. But, the provision does not state that the discharger must require the party disposing the soil to provide evidence showing that the

soil was sampled using that protocol. That requirement should be specified. In addition, any person disposing soils must be required to show that the soils do not contain listed hazardous wastes at any concentration.

Likewise, subsection (b) allows contaminated soils to be utilized as daily landfill cover if approved by the "appropriate agencies." The WDRs must identify those agencies from which approval must be obtained, and indicate what type of approval is required. Again, provisions with this type of vague requirement are difficult for a discharger to comply with, and for a regulating agency to enforce. In addition, the idea that contaminated soils could be used as cover raises a number of issues concerning human and environmental exposure to hazardous materials in the contaminated soils.

Subsection (c) requires all contaminated soils to be "certified as California nonhazardous," but fails to require that the facility receive a certification from the party seeking to dispose the soils or to identify who can properly make the certification.

Subsection (d) also is not clear regarding whether soils containing elevated concentrations of contaminants that do not exceed the state "WET" or federal "TCLP" levels are prohibited from being disposed. The provision refers to Attachments 3 and 4 to the Tentative Order, but those attachments only identify WET and TCLP leachable thresholds. Thus, it appears that the WDRs would allow soils contaminated with toxic materials that may not exceed those leachable thresholds but still could pose a significant risk to public health and the environment to be disposed at the proposed landfill. That is improper, and the WDRs should not allow contaminated soils to be used as cover material.

Finally, the list of soil contaminants in Attachments 3 and 4 is limited to contaminants subject to hazardous waste laws. Numerous other contaminants without established hazardous waste thresholds pose a serious threat to human health and the environment. (See, e.g., 40 C.F.R. Part 302 for a list of federal "hazardous substances"). As written, these provisions of the WDRs potentially would allow soils contaminated with a vast array of contaminants at any concentration to be disposed at the site and in fact used as cover. That should not be allowed.

Limits on the use of contaminated soils should be stringent to ensure that contaminated soils are not the main source of cover material needed to make up for the lack of sufficient cover materials on the site. Even with the use of alternative daily cover materials, the fact that large portions of the material excavated will be bedrock materials not suitable for cover means that the discharger would seek other sources of cover material. Stockpiling contaminated soils on the site also should be prohibited.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: C.5

Comment:

The discussion of recycled water use at the proposed landfill ignores how any recycled water would be obtained (if possible) and used at the site. For example, the specification discusses the need for cross-connection shut down tests, the installation of hose bibs on the recycled water pipes, the need for airgap

separators and other requirements that would apply to the use of recycled water from water lines.

If recycled water is used, however, it would have to be trucked to the site, stored in large tanks, and then distributed on the site by truck for dust control on haul roads and on the landfill face, for habitat irrigation in sensitive areas, and for other uses on the site. Even so, there are no requirements addressing the areas where recycled water could be applied by truck that would limit the potential for human or wildlife contact with the treated wastewater. The WDRs should include requirements that reflect actual uses that would occur and avoid irrelevant boilerplate language.

Given that trucks will be spraying water throughout the site on a continuous basis, the conclusion in the Technical Analysis that the threat of impacts from the "loading of salts in recycled water will be minimized with the construction of liner and leachate collection system also ignores that significant amounts of recycled water would be used on haul roads and in habitat areas where there will be no liner. (TA at pg. 45). For these reasons as well, the use of disinfected secondary-23 recycled water should be prohibited, and only the highest-quality tertiary treated recycled should be allowed.

In addition, the discharge specifications should not be based on the arithmetic mean of 12 months of water quality sampling of the recycled water. Using a 12-month averaging improperly skews the results and allows the use of recycled water with exceedingly high concentrations during some months. At the least, the WDRs should include requirements for peak concentrations of the listed contaminants.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: D

Comment:

This provision describes how the discharger must respond to a release. But it allows the discharger a number of days to notify the Regional Board and 90 or more days to even propose a response. Of course during the time that a release is being reported and plans to address the release developed (and during the time before the release was detected) groundwater would continue to be pumped and used on site because there is no requirement that pumping and use of groundwater from the point-of-compliance monitoring wells be stopped if a release is detected.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: D.3

Comment:

This specification prohibits the use of water on trash. If so, how will particulate emissions from disposal operations be controlled?

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: D.6

Comment:

Subsection (a) requires that any precipitation that comes into contact with waste must be treated as leachate and managed accordingly. (27

CCR. § 20365(c)). But the Technical Analysis does not refer to a section of the JTD that describes how this "contact" water will be separated from stormwater from other "disturbed" areas of the proposed landfill. The JTD should describe this process and it should be reflected in the operational requirements of any WDRs.

Subsection (b) requires that "non-contact" surface water runoff from within the WMU be discharged through the desilting basins. However, as discussed above, the JTD describes a system where certain areas within the WMU will no longer be considered "disturbed" and water would be directed into the PSD channels for direct discharge to the San Luis Rey River without treatment in the desilting basins. Again, neither the JTD nor the Tentative Order make clear how areas would be characterized as "disturbed" and "undisturbed." The discharger should be required to direct all water generated within the WMU to the drainage pipe system and into the desilting basins.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: D.7

Comment:

Again, erosion control measures for the stockpile/borrow areas have not been adequately described.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: D.8

Comment:

Subsection (b) should specifically state how much leachate can be produced before it exceeds 85% of the design capacity of the primary LCRS or sump pump. The discharger should be able to calculate that figure now given its claims that the LCRS has been designed to satisfy state and federal rules. In addition, while subsection (b) states the depth of fluid in the LCRS sump cannot exceed 24 inches, subsection (c) states that the depth of fluid in any LCRS sump shall be kept "at or below six inches." These requirements appear to conflict.

Subsection (e) requires the removal of liquids in the secondary LCRS to minimize head on the bottom liner, but does not state how often that removal must occur as required by 27 CCR. section 20340(c). As discussed above, the current design of the LCRS impermissibly allows the buildup of head on the liner.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: E

Comment:

This provision describes the discharger's required response to the detection of a volatile organic compound in a background or detection monitoring point. Again, it does even require the discharger to notify the Regional Board for three days after confirming the release has occurred. Then, it allows the discharger even more time to assess the data before it is required to begin the release response procedures identified in Provision D. Once more, throughout this even-longer period of assessment, contaminated water would be used on the site for dust control, habitat irrigation and other purposes.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: E.1

Comment:

This provision requires that the precipitation and drainage control system be constructed to manage a "24-hour storm with a 100-year return frequency." The JTD claims that the drainage control features have been designed for such a storm event. (JTD at pg. C.3-2). But the JTD also acknowledges that the desilting basins were designed to remove silt from a 10-year, 6-hour rainfall event (JTD at pg. C2-19), and admission that the desilting basins are undersized and do not meet these requirements. This raises questions about how these desilting basins will function during storm events that exceed a 10-year, 6-hour event.

The discussion in this section also once again begs the question of whether the Regional Board has reviewed the drainage-control system described in the JTD to determine if it meets these requirements. The Regional Board should be able to determine whether the design capacity of the drainage system provides for the "gradual release" of retained water in a manner that does not exceed the expected peak flow rate at the point of discharge as if there were no proposed landfill as this specification requires. Given the design descriptions in the JTD, all this information is available for review by the Regional Board and the requirements of the WDRs should be specifically tailored to the system described in the JTD.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: E.6

Comment:

Finding 10 specifically defines the "GCL" component of the proposed liner system. So when subsection (a) requires a minimum overlap of at least 24 inches only for the "GCL component" that requirement is too limited. The overlap requirement should apply for all geomembrane and geotextile materials being installed. Subsection (b) also should require an adequate overlap for all geotextile and geomembrane materials.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: E.7

Comment:

This provision should acknowledge that the Regional Board must inspect and approve any construction. (27 CCR. § 20310(e). The specification requires that a certified engineer demonstrate that the WMU has been constructed in accordance with the plans approved by the Regional Board. But while Provision I.3 of the Tentative Order requires that a "preliminary Design Report" be submitted 120 days prior to the beginning of construction, it does not state that the Regional Board must review and approve the design submittal. In addition, the final engineering specifications need be submitted only 60 days before construction could begin. (Monitoring and Reporting Program at pg. 32). It should be made clear that (1) final designs cannot be submitted until preliminary designs are approved by the Regional Board, and (2) work could not begin until the Regional Board reviews and gives final approval to a final design. Given the scope and significance of the proposed project, imposing a 60-day period for review by the Regional Board is improper.

Subsection (d) requires the discharger to provide the Regional Board with a construction quality assurance report that includes a "technical demonstration that the proposed side slope liner design can be constructed and remain stable and functional on the interior cut slopes" of the proposed landfill. But that report is not required to be submitted until after construction is complete. Because the proposed sideslope design is an alternative to the prescriptive design, that technical demonstration must be provided prior to the approval of WDRs.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: E.8

Comment:

The WDRs should require that the discharger prove to the Regional Board that, as required by law, the primary LCRS system has been designed "to collect twice the anticipated daily volume of leachate generated" by the proposed landfill prior to approval of WDRs. As discussed above, that design should be assessed in light of the new average annual rainfall amounts at the site.

In addition, the installation of the LCRS systems should be subject to the quality assurance program, should be certified by a registered civil engineer, and should be certified by a technically qualified, independent third-party consultant.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: F

Comment:

Although the presence of a leachate seep would seem to be a major concern in a facility that would overlie a fractured bedrock aquifer, this provision again impermissibly allows the discharger three days to notify the Regional Board of the seep and does not require a detailed study that identifies the reason for and source of the leachate seep or any increased monitoring at other points.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding 3

Comment:

This finding states that the description of wastes proposed to be accepted at the proposed landfill is based on Section 1.5 of the JTD. But that section of the JTD does not propose that contaminated soil or decommissioned waste be accepted at the proposed landfill. Moreover, the Tentative Order specifically prohibits the discharge of decommissioned wastes at the proposed landfill. (TO at pg. 14). Similarly, although the Tentative Order allows the disposal of asbestos wastes with less than 1% friable asbestos (TO at pg. 14), the JTD states that "non-hazardous asbestos will not be accepted at the landfill." (JTD Section B. 1.5.2.2). The Tentative Order should not expand the waste materials that could be disposed at the site beyond those identified in the JTD.

Likewise, neither the JTD nor the FEIR indicated that contaminated soil would be accepted at the proposed landfill. But, as discussed further below, the Tentative Order would allow soils contaminated with toxic materials to be disposed at the site as long as the soils did not exceed "hazardous waste" levels. The Tentative Order does not clearly limit the non-leachable concentrations of toxic or other contaminants that could be present in the soil, and does not address contaminants that would be considered "hazardous substances" under state and federal law but are not identified in the laws governing what constitutes hazardous wastes. Comparing the list of "hazardous substances" (40 C.F.R. Part 302) with the list of contaminants identified for their toxicity characteristics (40 C.F.R. Part 261) highlights this vast difference. Allowing contaminated soil to be used as cover material also would create an unnecessary environmental and human health risk by exposing workers, landfill users, and wildlife to contaminants in blowing dust or through dermal contact. Moreover, the WDRs do not require specific procedures that would control stormwater from contacting the contaminated soil and discharging into the San Luis Rey River without treatment. That would create an unacceptable risk to water quality.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 1

Comment:

This finding states that the Joint Technical Document ("JTD") submitted by the discharger was deemed complete by the Regional Board on March 1, 2005. That decision was challenged as improper by the Pala Band at that time, and the letters attached as Exhibit E provided a detailed explanation for why the JTD was not complete. Given the concerns raised previously and the fact that (1) the Tentative Order now acknowledges that the proposed groundwater

monitoring well system is inadequate to properly monitor landfill leaks in the fractured bedrock aquifer, and (2) the significant changes in the proposed project that have occurred since that the determination regarding the JTD was made, including the proposal to pump groundwater from formerly dedicated groundwater monitoring wells, the JTD remains incomplete and cannot be the basis for the issuance of any project approvals.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 10(d).

Comment:

This finding concludes that the discharger's proposal to use a "secondary" LCRS as an engineered alternative to the prescriptive requirement for a vadose zone monitoring system is proper under 27 CCR. section 20415(d). While the Technical Analysis refers to Section C.2,4 and Page C.2-7 of the JTD to support this finding, nothing in those sections of the JTD indicates that the discharger has made the required showing that vadose zone monitoring should not be required.

The Technical Analysis reiterates that the complex local geology of the site "limits or precludes the effective application of preferred vadose zone monitoring methods" and makes it unlikely that a vadose zone monitoring system could comply with the rules and provide early detection of landfill leaks. (TA at pgs. 19-20). But, the Tentative Monitoring and Reporting program only requires that leachate from the secondary LCRS be sampled once annually in October. (Draft Monitoring Program at 9.a.ii). Yearly sampling, however, would not provide an equivalent level of water quality protection as would be provided by a dedicated vadose zone monitoring system with a more-rigorous sampling frequency. The finding that the engineered alternative secondary LCRS is necessary because the geologic complexities of the site make it impossible to properly monitor the vadose zone is not a reason to approve an engineered alternative. Rather, it is a clear warning sign that the proposed landfill should not be constructed at this site.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 10(e)

Comment:

The discharger should be required to develop a contingency plan for managing subdrain flows greater than 10,000 gallons/day prior to the approval of WDRs and not after. In addition, any discharge of water collected in the subdrain system is not eligible for discharge under Regional Board Order No. 2001-96 because it would not necessarily consist only of extracted groundwater. Rather, the water would be collected from below the proposed landfill, a source of toxic materials and any discharge of collected subdrain water would require a National Pollutant Discharge Elimination System ("NPDES") permit.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 10©

Comment:

Finding 10c should acknowledge that the primary LCRS for the "sideslopes" of the proposed landfill does not meet federal or state prescriptive design standards. (TA at pg. 18). The Technical Analysis admits that the prescriptive design cannot be met and still "maintain slope stability," but states that the proposed alternative design is acceptable "provided that the operation layer . . . constructed directly overlying the primary LCRS, has adequate properties " {Id. with emphasis added).

But unless the Regional Board confirms that condition - that the "operation layer" has "adequate properties" - it cannot approve the engineered-altemative design for the side-slope LCRS. The Regional Board cannot simply require that the condition be met sometime in the future because it must "specify design and operating conditions in WDRs to ensure there is no buildup of hydraulic head on the liner" and find that the LCRS system is designed "to collect and remove twice the maximum anticipated daily volume of leachate from the Unit." (27 CCR. § 20340(b)-(c).) Given these legal requirements, the Regional Board must determine that the primary LCRS system has "adequate properties" to support the alternative side-slope LCRS design before it can consider WDRs.

The JTD indicates that the alternative side-slope LCRS design would result in leachate flowing along the operations layer liner/refuse-interface to slotted pipes at the elbow where the sideslope flattens and meets the main portion of the proposed landfill footprint. (JTD at pg. 2-12, Figure 14). The JTD does not clearly describe how leachate collected in these areas would be transferred to the primary LCRS and the Technical Analysis cites no evidence to support the claim that this alternative design for collecting and transferring leachate would not result in ponding of leachate as prohibited by law. (27 CCR. § 20340(f)). That analysis is critical given that approximately 90% of the leachate generated would be generated on the side-slope areas (FEIR pg. 4.3-21-22), and that analysis must be provided before WDRs can be considered.

The JTD also fails to ensure that there would be "no buildup of hydraulic head on the liner" in the main section of the proposed landfill as required by law. (27 CCR. §20340(c)). In fact, the JTD admits that the proposed design would allow up to 12 inches of leachate to collect on the liner system with a peak daily head of 0.25 inches. (JTD at pg. B.-2). State law requires that the Regional Board "specify design and operating conditions in WDRs to ensure that there is no buildup of hydraulic head on the liner." (27 CCR. § 20340(c), emphasis added). As a matter of law, the Regional Board cannot consider a design that would allow the buildup of head on the liner as described in the JTD.

In addition, there are questions regarding whether the primary LCRS has been designed "to collect and remove twice the maximum anticipated daily volume of leachate from the Unit" (27 CCR. § 20340(c).) These questions arise because the used an annual average rainfall amount of 19.3 inches/year to calculate leachate generation (JTD at App.C, pg. 3-15), but the discharger now claims that the average annual rainfall at Gregory Canyon is actually 25 inches per year, a 30% increase. (RFEIR at pg. 4.15-22). Given this change, the discharger must recalculate the amount of leachate that would be

generated. Until that analysis is completed, consideration of WDRs is premature and issuance of WDRs would violate state law.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 12

Comment:

This finding discusses the use of the Borrow/Stockpile areas mainly in terms of their use as stockpile areas. While the discussion of the impacts of using these areas to stockpile materials is incomplete, both the finding and the Technical Analysis completely ignore the impacts that will be caused by the fact that two 150-foot deep mined pits will remain in these areas at the conclusion of operations.

The FEIR described the use of these areas as follows: the 22-acre Borrow Area A site would be used initially to store material excavated from the proposed landfill footprint, and the stored material would rise up to 180 feet above the current grade; and the 65-acre Borrow Area B would be located at the southernmost and upper area of the proposed landfill site, and materials stored in this area would rise up to 160 feet above the existing grade. (FEIR at pg. 3-13). By the end of operations, however, the two borrow pits would be up to 150 feet deep after they are mined to extract additional cover material. (Id.)

The Technical Analysis states that the finding is based on information in the JTD and the finding refers to the Storm Water Pollution Prevention Plan ("SWPPP") to conclude that the construction and operations in the area will be conducted in accordance with best management practices ("BMPs"). But both the JTD and the SWPPP provide only cursory, "trust us" descriptions of how water quality impacts would be avoided. There is little or no discussion regarding how drainage from these stockpile areas and then the resulting borrow pits will be managed to prevent impacts to waters of the state.

For example, the JTD claims that "surface waters will be conveyed from these borrow/stockpile areas and discharged into the existing natural drainage courses." (JTD at pg. C2-5). But those natural drainage courses are not identified in the JTD, the SWPPP, or the Technical Analysis, and the potential for downstream impacts caused by discharges at various stages of storage or mining is not discussed or analyzed anywhere.

Given the location of Borrow Area A, the most likely natural drainage for runoff would be the San Luis Rey River itself making the need to limit the discharge of sediment-laden water particularly important.

Likewise, the finding states that a desilting basin will be constructed at Borrow Area B "to minimize the flow of silt," but there is no reference to any calculations that support the size of the desilting basin or to any description of when it will be constructed or how it will be managed and maintained. The JTD also does not state that a desilting basin would be constructed at Borrow Area A, although the storage area and pit would be located on the banks of the San Luis Rey River and would discharge directly to the river. The WDRs do not establish any requirements for the management and maintenance of these desilting basins to protect water quality during the period the proposed landfill would operate or afterwards. Merely stating that the discharger would comply with the SWPPP is insufficient, especially as the final configuration of these mining pits could lead to serious water quality

impacts and the storage of excavated materials in those areas itself constitutes a "discharge" that must be regulated by WDRs.

In addition, given the discharger's claim that the average annual rainfall is higher than claimed in the JTD, the stormwater controls proposed for these areas also need to be reanalyzed.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 14

Comment:

The Tentative Order should confirm that the discharger would be required to install the Reverse Osmosis ("RO") system during initial construction of the proposed landfill. In addition, if water was to be treated in the RO and/or through a granulated active carbon system, the Tentative Order should confirm that any discharge of the treated water to the San Luis Rey River would require an NPDES permit.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 16

Comment:

This finding improperly concludes that the proposed stormwater conveyance system is in compliance with state rules. However, there is no evidence in the record to support this conclusion.

The first problem is that the WDRs fail to identify criteria that the discharger must apply to determine when a "disturbed" area of the proposed landfill can be treated as an "undisturbed" area. The distinction between "disturbed" and "undisturbed" is crucial because the stormwater-control system would collect and discharge stormwater from "disturbed" areas to the desilting basins before discharge to the San Luis Rey River, but would discharge stormwater runoff from the "undisturbed" areas into the PSD channels which would discharge directly into the San Luis Rey River and bypass the desilting basins. Sediment would not be removed from discharges from the PSD channels. The Technical Analysis does not discuss the issue itself or refer to the discussion of the issue in the JTD.

Consequently, the Technical Analysis fails to address the fact that the JTD provides conflicting definitions of what constitutes an "undisturbed" area. In one section the JTD states that an area would be considered "undisturbed" when "an area of the landfill is completed and native vegetation reaches a state of 70 percent coverage (based on pre-development conditions)" (JTD at pg. C2-22), but states in two other sections that "[o]nce an area reaches 20 percent of pre-developed vegetative condition then stormwater flows will be diverted to the perimeter channels." (JTD at pgs. C.2-28 and C2-32).

Because stormwater collected from these so-called "undisturbed" areas would discharge directly to the San Luis Rey River, if these areas only have been revegetated to 20% coverage, discharges from these "undisturbed" areas would significantly increase the amount

of sediment that would be discharged into the San Luis Rey River through the PSD channels (which would not flow into the desilting basins). Allowing increased amounts of sediment to be discharged into the river would have serious water quality impacts.

In addition, allowing the discharger to base this percentage of coverage on some ambiguous "pre-development" condition is a recipe for either violations by the discharger or for the Regional Board being unable to enforce the requirement. The only way to resolve the issue would be to require that stormwater from all areas within the WMU be discharged through the desilting basins and to require the discharger to show that the stormwater facilities have been properly designed to handle a 100-year, 24-hour event as required by law. (27 CCR. § 20365(c)).

Second, the JTD states that the PSD channel system would be constructed high on the sides of the canyon to collect stormwater runoff from Gregory Mountain and the hills to the west in order to prevent the water from flowing into the proposed landfill footprint. (JTD at pg. C2-17-18). But the JTD also admits that only a portion of the PSD channels will be completed during the first phase of operations when up to a million tons of waste will be disposed. {Id.\ Figure 22). Even so, the JTD provides no clear discussion regarding how stormwater runoff from those areas of the canyon that will not be collected in the PSD channels will be managed prior to the time that the entire PSD system is completed, especially since the PSD channels will be at a higher elevation. Without proper control, stormwater would simply flood down the canyon into the landfill

footprint resulting in serious impacts. Consideration of WDRs is improper until the discharger explains how stormwater will be controlled before the entire PSD- channel system is constructed.

Third, the finding states that stormwater from the disturbed areas of the proposed landfill collected in the desilting basins "will discharge directly into the San Luis Rey River." Because this water would be generated in the disturbed areas of the proposed landfill and potentially be contaminated, a direct discharge of the treated waste water to the San Luis Rey River requires an NPDES permit.

Finally, because the discharger now argues that the site receives 25 inches per year in an average year, a significant increase over the previously claimed average annual rainfall, the discharger must recalculate the 100-year, 24-hour event to determine if the proposed stormwater control systems should be redesigned to meet the regulatory standards.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 17

Comment:

This "finding" merely states that the groundwater detection monitoring system must comply with applicable federal and state rules. But, as the Technical Analysis points out, the system does not meet those standards. Consequently, there is no evidence to support the finding that the monitoring system complies with the required performance standards.

In fact, in "supporting" this "finding," the Technical Analysis states that "[e]ffectively monitoring the quality of groundwater flowing within the fractured rock aquifer ... is limited by a number of site-specific factors," including that (1) groundwater flow through such fractures is "very unpredictable," (2) permeable fractures that "transmit great amounts of liquid" may be "widely spaced and may not intersect the detection monitoring well system," and (3) the "unpredictability of fracture location and groundwater flow imparts additional uncertainty" as to the effectiveness of any groundwater monitoring system. (TA at pg. 22-23). All of these determinations make it impossible and improper for the Regional Board to even consider issuing WDRs.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 18

Comment:

This "finding" as to the surface water monitoring system also simply states that the system must meet specific standards. But the Technical Analysis admits that "it is unlikely that the position of Station SLRSW-1 will provide information that complies with the performance requirements ... required by the applicable requirements from CCR Title 27." (TA at pg. 24). While the Technical Analysis states that the discharger must submit a work plan to "enhance and improve the surface water monitoring system to comply with the applicable performance requirements" (id.), issuing WDRs would violate state law because the requirements of Title 27 have not been met (27 CCR. §20415(c)).

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 19

Comment:

This "finding" requires that the discharger develop a "contingency plan to provide replacement water to all private and public well owners, and other parties effected by the release of waste or waste constituents" from the proposed landfill. The requirement that this plan be provided is an acknowledgement by the Regional Board that a toxic release from the proposed landfill could happen.

Again, the Technical Analysis supports the need for a replacement water contingency plan by repeating the numerous "technical difficulties" associated with adequately monitoring releases from the site in the fractured bedrock aquifer. (TA at pg. 24). The Technical Analysis admits that the Regional Board "can not determine if the proposed groundwater detection monitoring network will comply with" state and federal performance standards because, in part, the aquifer pumping tests conducted on the site were improper and did not "satisfy the minimum conditions recommended in the available literature, concerning the conduct of aquifer pumping tests in fractured rock aquifers." (TA at pg. 25). The admission that the groundwater monitoring system is inadequate and that it is "difficult to detect, delineate, and remediate in a fractured rock

aquifer in a short period of time" may be reasons to require a water-supply contingency plan, but more importantly are reasons why WDRs for the proposed landfill must be denied. (TA at pg. 24).

The requirement that a water-supply contingency plan would not have to be submitted until one year after approval of the WDRs is improper. (TO at pg. 37). More importantly, the requirement ignores the fact that there is no "contingent" water available. The areas that would be impacted initially are within the service area of the San Luis Rey Municipal Water District but not within the service area of the San Diego County Water Authority ("SDCWA") or the Metropolitan Water District ("MET"). This means that water from the SDCWA or MET could not be provided without the approval of those agencies and the possible annexation of the area into their service areas, a lengthy procedure. Given the decreasing supplies of water available through the CWA and MET, it is not clear if there ever would be sufficient water available to serve as an alternative water supply anyway. Bottled water would not be a remedy given that wells in the area also are used to supply water for irrigation and other uses.

Simply put, a contingency plan is not a panacea for the significant risks to water quality and quantity that the proposed project creates. Instead, the Regional Board's concern identifies the critical problem of siting a landfill in an area that would threaten significant sources of drinking water: it simply should not be done. Threatening crucial water supplies when those supplies are decreasing at historic rates in order to allow the burial of waste is wrong.

The Technical Analysis supporting this finding also points out that aquifer pump tests in the fractured bedrock aquifer intended to prove the adequacy of the groundwater monitoring system failed to satisfy the "minimum conditions recommended in the available literature because the tests were conducted in wells "screened over long stratigraphic intervals probably covering multiple rock types, including unweathered and weathered fractured bedrock aquifers." (TA at pg. 25).

But the statement that these wells are screened over long intervals does not do them justice. For example, the monitoring wells installed in 1996 (GLA-1 through GLA-10) are not even screened, but are merely open holes for 100 to more than 200 feet in length. (JTD App. C, Attachment 1). Monitoring wells installed in 1999 (GLA-11 through GLA-16) are screened, but the screened intervals are 20 feet in length or more. (Id.) Even monitoring wells installed as recently as 2004, such as GLA-B, have screened intervals of 30 feet or more. (JTD, App. C-1, Attachment A). Allowing screened intervals of this length results in significant dilution of any potential contamination and so is not proper for monitoring wells. Our experience is that the Regional Board demands that screened intervals in groundwater monitoring wells not exceed ten feet in length to provide proper analytical data. These wells are not even close to that standard.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 22

Comment:

This finding does not reflect the current status of the CEQA process. Specifically, the finding does not acknowledge that the principal source of water for the project identified in the RFEIR, recycled water from OMWD, is no longer available because OMWD has terminated its agreement to sell water to GCL. (Exhibit C). This will require the lead agency to reassess the impacts of supplying water to the proposed landfill under CEQA, if a new source of water is identified.

In addition, although the FEIR did not identify any significant environmental impacts to water quality from the proposed project, that analysis did not address the impacts that would be caused by using the on-site groundwater monitoring wells as water-production wells. As discussed above, the proposal to pump water from these wells threatens to create serious environmental impacts that the Regional Board needs to consider under CEQA as well.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 26

Comment:

This finding is in error because the proposed landfill does not have a source of recycled water to use.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 28

Comment:

The finding that the Regional Board has considered "all water resource related environmental factors" associated with the proposed landfill is not supported by a citation to any evidence in the record.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 6

Comment:

Although this finding states that the overall direction of groundwater flow is to the north, the Technical Analysis specifically notes that the groundwater flow is generally to the north "until it makes an abrupt westerly turn near the mouth of Gregory Canyon." (TA at pg. 15). The Technical Analysis fails to (1) make clear if this abrupt change in direction occurs in the weathered or the unweathered portion of the fractured bedrock aquifer, or (2) discuss how this abrupt change in the direction of groundwater flow has been addressed by the proposed groundwater monitoring system.

The finding also does not reflect the conclusions in the Technical Analysis regarding the geology of the site. The Technical Analysis notes that the site contains three distinct aquifers

(the alluvial, weathered fractured bedrock, and unweathered fractured bedrock aquifers), and concludes that "the location and orientation of fractures may be unpredictable and it can be difficult to accurately identify all of the fracture zones affecting groundwater flow direction ... and/or conveying significant volumes of groundwater." (TA at pg. 15). The Technical Analysis states that these geologic factors make it "extremely difficult to predict with confidence" the groundwater flow in the unweathered fractured bedrock aquifer, which can be very high due to the higher porosity of the fractures." (Id.) As discussed further below, these factors make the existing groundwater monitoring system inadequate and issuance of WDRs improper.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 7

Comment:

While the finding identifies the number of domestic and irrigation wells within one mile of the proposed site in the Pala Basin aquifer, it fails to note that the downgradient Bonsall and Mission Basin aquifers provide a critical sources of drinking water to thousands of people, including residents of the City of Oceanside, and that contamination from the proposed landfill also threatens those critical sources of water.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Finding No. 8

Comment:

The finding indicates that the location of the proposed landfill complies with the minimum federal siting regulations found in the Resource Conservation and Recovery Act. The basis for this finding is the compliance "checklist" included by the discharger as Appendix A to the JTD. (TA at pg. 16). But, a closer review of the claims in that checklist shows that the site does not comply with these minimum requirements.

First, the checklist simply claims that the proposed landfill would not be located in wetlands. It provides no reference to support that claim, and the Technical Analysis provides no facts showing that the Regional Board has confirmed the claim. The Regional Board should confirm that the proposed project as a whole will not impact wetlands. (JTD, App. A at Question B.2).

Second, the checklist states that the proposed landfill is not located in an unstable area that might threaten "structural components" of the proposed landfill. The checklist cites to some pages from Appendix C of the JTD for support (id. at 8), but those pages do not indicate that any consideration was given to potential impacts from landslides, rock falls from large boulders located on the very steep west side of Gregory Mountain above the canyon, or debris flows from the hanging basins and other areas on the west side of Gregory Mountain. These geologic features all threaten the integrity of the liner, the cover and other elements in the landfill footprint as well as the proposed perimeter stormwater drainage ("PSD") channel which would be located high on the side of Gregory Mountain. The PSD channels are considered "structural components" under federal law. (40 C.F.R. § 258.15(b)(2)). Consequently, this minimum requirement also has not been satisfied.

Third, the checklist claims that the groundwater monitoring system consists of "a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples . . . that represent the quality of ground water passing the relevant point of compliance" and that the groundwater monitoring system otherwise meets the applicable requirements. (JTD App. A at Question E.2). The checklist also claims that the "number, spacing, and depths of the monitoring system" are based upon scientific information. {Id. at Question E.7). But, as discussed above and below in responses to Finding 17 and Finding 19, the Technical Analysis admits that the monitoring system is not adequate to detect flows in the fractured bedrock aquifer. That is additional evidence that the proposed landfill does not meet the minimum federal and state standards as the finding claims.

The Technical Analysis also claims that the discharger has completed an adequate stability analysis of the proposed landfill. (TA at pg. 18). But the JTD stated that the stability analysis was for the "prescriptive standard design" not for the engineered alternative proposed in the JTD. (JTD at pgs D. 4-17 and App. C pg. 3-9). Consequently, there does not appear to have been any analysis completed of the stability of this liner design under the stresses caused by piling 30 million tons of garbage on it. Given the fact that the side slopes are so steep that an engineered-altemative leachate collection and recovery system ("LCRS") has been proposed for those areas, it is critical to ensure the stability of the liner system as designed so that it would be able to withstand the stresses that would be created by burying these 30 thousand tons of garbage on it without failing and sliding into or down the canyon.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: G

Comment:

This provision requires notice when there is release beyond the facility boundary, but allows the discharger 14 days to notify "interested and/or affected persons" and another seven days to notify the Regional Board. The provision does not require the discharger to do anything but provide the notifications and include them in the Facility's Operating Record. This is a leisurely approach to a serious problem.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.12

Comment:

As discussed above, the discharger should be required to show how it will provide contingency replacement water for water supply wells contaminated by the proposed landfill before WDRs can be issued.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.13

Comment:

This provision requires the discharger to submit a plan for "expanding and improving the coverage of the existing groundwater monitoring network" within 90 days of the adoption of the Order. As discussed above, because the monitoring well network is inadequate under federal and state law, WDRs cannot be issued unless it meets those standards. Not only must a plan be submitted, but the Regional Board must determine that the legal standards have been met before WDRs can be issued.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.17

Comment:

The Tentative Order does not address water quality impacts that could be caused by the discharge of waste materials to the San Luis Rey River from garbage and other trucks accessing the site across the bridge. A spill would cause serious and immediate impacts to water quality, and the discharger should be required to prepare a contingency plan to address such an occurrence.

The threat the water quality could increase during times of higher-than-normal flows in the San Luis Rey River. Use of the facility should be limited during those periods, and any contingency plan must identify how spills would be managed during such periods.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.18

Comment:

In addition to the comments above on mitigation issues, this provision specifically defines the terms creation, restoration and enhancement. The Regional Board should ensure that the discharger does not use those terms interchangeably when proposing mitigation.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.3

Comment:

This provision should require the discharger to take all "necessary" actions to address adverse impacts on the environment, not all "reasonable" steps.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: H.4

Comment:

The financial assurance information should be revised to reflect updated costs estimates provided to the Regional Board (Exhibit G).

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: I.3

Comment:

This requires that a "preliminary Design Report" be submitted 120 days prior to the beginning of construction. However, it does not indicate that the Regional Board would review or approve any submitted designs. In addition, the final engineering specifications need be submitted only 60 days before construction. (Monitoring and Reporting Program at pg. 32). Any submitted plans must be subject to agency review and approval.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: I.9

Comment:

Where any act by the discharger creates an endangerment to human health or the environment, the Regional Board should be notified immediately.

Commentor: Walter Rusinek -- Pala Band of Mission Indians

Section: Prohibition A.6(b)

Comment:

This subsection prohibits the discharge of "liquid or semisolid waste" other than dewatered sludge or water treatment sludge. However, as discussed below, Discharge Specification C.3 of the Tentative Order allows the discharge of leachate into the landfill, something the JTD stated would not occur. This prohibition should apply, and leachate generated at the proposed landfill should be collected and disposed at an off-site facility as promised in the JTD.

Commentor: Nadine Scott -- Private Individual

Section:

Comment:

The proposed Gregory Canyon Landfill can potentially impact the San Luis Rey River, which is the drinking source for 200,000 plus individuals.

Commentor: Nadine Scott -- Private Individual

Section:

Comment:

All liners leak.

Any sized insurance policy the developer may carry will never come close to actually mitigating the harms they will cause.

Commentor: Nadine Scott -- Private Individual

Section:

Comment:

The proposed landfill is not needed due to enforcement of AB 939. The wastestream going to landfills will shrink and existing landfill capacity will be adequate.

Commentor: Nadine Scott -- Private Individual

Section:

Comment:

There is an inadequate supply of water for this site. Dust control, washouts, and decontamination units would not be properly supplied or utilized. This would cause a health & safety hazard as well as create the potential for offsite runoff and sediments from the proposed water delivery trucks.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section:

Comment:

Although the recycled water supply for the operation of the proposed GCL is in question the tentative WDR assumed the water would be recycled water provided from the Olivenhain Water District. The Regional Board typically requires the water supplier to provide oversight, supervision and reporting requirements for the use of recycled water by end users. Additionally, the presiding water district typically prepares and adopts recycled water restrictions and regulations for end users such as GCL. If the GCL uses recycled water as planned, who will provide oversight? If it is a third-party water provider with no jurisdiction or regulatory control over the GCL site who will be responsible to regulate the use of recycled water?

As a result of these and many other significant issues relating to water quality, the Regional Board should deny issuance of a WDR.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section:

Comment:

The Rainbow Municipal Water District (District) provides water and sewer service to a population of approximately 18,000 residents in Northern San Diego County. We are actively pursuing projects that would allow us to withdraw about 3,600 acre-feet of water annually from the San Luis River Watershed. If we are successful that would account for almost 15% of our annual water demand.

The District is opposed to the development of the Gregory Canyon Landfill (GCL) and urges the San Diego Regional Water Quality Control Board to deny issuance of Waste Discharge Requirements (WDR) or Operating Permit for the GCL. The District's opposition is based on information contained within the Regional Board staff's own 2009 Technical Report for the GCL, the Tentative Waste Discharge Requirements for the GCL, the Tentative Monitoring and Reporting Program for the GCL, and other science based documentation that shows the proposed Gregory Canyon Landfill poses a significant and irreparable threat to the water quality in the San Luis Rey River, groundwater basin and watershed.

It is important to note that the determination whether or not to issue a Final WDR for the GCL is a discretionary act for the Regional Board. The Regional Board is not mandated to issue a WDR; in fact, if they hold true to the mission statement of the State Board, "...to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations", they must deny approval of a final WDR for the GCL. It is a virtual certainty that at some point in the future the GCL will contaminate the water supply; therefore, to protect that supply now and into the future, the Regional Board must not allow this proposed project to move forward.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section: Finding No. 4

Comment:

In the Tentative Order the Regional Board finds that "municipal solid waste and their degradation products contain a wide variety of inorganic and organic constituents in concentrations that present a significant threat to water quality in the San Luis River Watershed if those wastes are not properly managed".

As indicated in the Tentative Order and Draft Technical Report the geology and hydrology of the Gregory Canyon site is less than ideal for the proposed use. There is a lack of natural protective cover for the groundwater and the aquifer is in fractured bedrock that makes flow unpredictable and more difficult to monitor for contaminants. These issues and others raised in the Tentative Order and Draft Technical Report pose a significant threat to water quality.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section: Finding No.19

Comment:

Finding Number 19 supports the development of a contingency plan to provide replacement water to public and private well owners who might be affected by releases of contaminants from Gregory Canyon. Section H (12) of the Order requires the discharger to provide the Regional Board with a Water Replacement Contingency Plan within one year of completing phase 1 of the WMU.

What good does it do to allow the operators of the GCL to be in full operation and then figure out how to secure replacement water—that seems counter-intuitive. We are in the midst of a water supply shortage and sources of replacement water are nearly nonexistent. The only local supply would be desalinated seawater and we know from experience with the Carlsbad project that desalination plants can take a very long time to obtain permits and environmental approvals. Wellhead treatment may not solve all contamination problems, and in some cases treatment technologies, such as air-stripping, may involve other regulatory agencies that would bog down the permit process and result in substantial delays. Certainly almost any water replacement method that involved construction of infrastructure, such as well head treatment, groundwater purification or groundwater extraction or injection would necessitate environmental documentation and would delay any replacement water projects.

Any requirement to prepare a Water Replacement Contingency Plan should occur prior to receiving a discharge permit, not a year after construction. Also, that plan should mandate a contractual obligation to guarantee delivery of the replacement water if it is needed. Keep in mind we might be talking about the need for replacement water in a decade—or century—from now. What assurance does the Regional Board have that a guaranteed replacement water supply can be obtained? None; there are no sources of replacement water; the San Luis Rey Watershed is irreplaceable.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section: H.12

Comment:

Finding No. 19 states that it is appropriate for the discharger to come up with a water replacement contingency plan. Section H.12 gives the discharger up to a year after they've already started operation of the landfill to come up with a contingency plan. There is no water available to replace the water that is in the San Luis Rey basin. It does not seem appropriate to give them a year after they start operation to come up with a plan and to come up with a source of water.

If there's no replacement water to replace the basin water that could be lost due to a discharge, all the assurances in the world and all the money in the world isn't going to do the people that need the water any good.

Section H.12 also gives the discharger up to 90 days after they determine a release has occurred to revise their contingency plan and come up with a way that they're going to notify

the public that a release has occurred. It doesn't seem appropriate that the discharger, for something as significant as a contamination of a major water supply, would get 90 days to figure out how they're going to respond to the public and they're given even more time to actually react.

Commentor: Dave Seymour -- Rainbow Municipal Water District

Section: H.12

Comment:

There is no replacement water for the San Luis Rey basin.

It doesn't seem appropriate to give them a year after they start operation to come up with a plan and to come up with a source of water.

Commentor: Pam Slater-Price -- San Diego County Board of Supervisors

Section:

Comment:

Although Gregory Canyon Ltd assures us that the liner will not leak, the same assurances were given by the proponents of the Las Pulgas Landfill at Camp Pendleton.

The liner at Las Pulgas leaked and has been referred to as 'the greatest engineering failure of its kind in San Diego County history.'

If a leak occurred at the Gregory Canyon Landfill it would be a catastrophe of epic proportions endangering public drinking water for hundreds of thousands of San Diego County residents. The leak could endanger residents outside the county.

Commentor: Pam Slater-Price -- San Diego County Board of Supervisors

Section:

Comment:

Six-hundred and seventy-five truck trips per 10 hours will cross a bridge over an open aqueduct. This bridge over the aqueduct will be constructed with a containment system. But this system is not designed to combat significant rainfall, or flooding in the event of a major storm. Contaminants will then enter the aquifer.

Commentor: Pam Slater-Price -- San Diego County Board of Supervisors

Section:

Comment:

Gregory Canyon Landfill threatens our existing water supply. The landfill will be located adjacent to the San Luis Rey River. This river provides drinking water to the

City of Oceanside, among others. Making matters worse, the landfill is located on a fractured bedrock aquifer.

Commentor: Pam Slater-Price -- San Diego County Board of Supervisors

Section:

Comment:

Landfill liners leak.

Commentor: Pam Slater-Price -- San Diego County Board of Supervisors

Section:

Comment:

Gregory Canyon Ltd. is required to execute an agreement with the San Diego County Water Authority for relocation and protection of the San Diego Aqueduct pipelines. This has not been done.

Commentor: Jane Soule -- Gregory Canyon Ltd.

Section:

Comment:

Concur with the Regional Board that the proposed double composite liner system at the proposed Gregory Canyon Landfill will provide protection of groundwater.

The proposed liner system provides substantially more protection of the groundwater than the liner system required under state and federal law. The proposed liner would be the most protective liner for a municipal solid waste landfill to date in California.

Commentor: Helen Starr -- Private Individual

Section:

Comment:

All water should be used responsibly.
There has never been a landfill that has not leaked.

The decision to place a landfill adjacent to a pristine river and an aquifer that supplies irrigation and potable water to inhabitants in the area defies logic.

The water situation in California will never be without challenge to the 37 million people residing in the state. How this folly of a landfill next to a river came this far as a reality is a mystery to me.

Please, please, do not adopt the Tentative Order for the Gregory Canyon Landfill.

Commentor: Jay Steiger -- Private Individual

Section:

Comment:

I am writing to ask you to deny the permit for the proposed Gregory Canyon Landfill. The location of the landfill atop fractured bedrock, would present an unavoidable danger of ground and river water contamination from chemical and organic toxins. This is a very poor location for a trash dump, please give strongest consideration to the very great risks to our collective health and the probability of an enormously costly cleanup if there is water contamination. Please oppose the permit for the landfill.

Commentor: George Stockton -- Private Individual

Section:

Comment:

First I will introduce myself: I am currently an elected Board Member of the Yuima Municipal Water District located in Pauma Valley, San Diego County. I am also past President of the Rancho Estates Mutual Water Company and board member of the Lazy H Mutual Water Company, also in Pauma Valley

My concern is the contamination of our aquifer due to leakage of poisonous waste from the proposed Gregory Canyon Landfill.

There is considerable information going on about this project, but from a quality standpoint there is one most important fact that can be made regarding leakage from this landfill:

The landfill will be there forever. The landfill liner will not.
Ergo: It will leak.

The Yuima Water Company has recently completed a geophysical study of the aquifer in our district. It shows that our aquifer goes all the way down to Sea Level. Even though some people think of us as being "up hill" from the landfill site, the lowest parts of our aquifer are below the landfill site. Thus, if there is any poisonous leakage our source of water is in jeopardy.

There is no way to remove the poisons from a contaminated aquifer of this size; This aquifer is greater than 43 miles long. The water companies I am associated with will lose their heavily used source of well water and there is no additional imported water available.

I think this is a major quality issue!

Commentor: Laura Tenhunen -- Private Individual

Section:

Comment:

No methane should be released into the atmosphere. Unless all nations cut greenhouse gas emissions immediately and drastically, we will lose our one and studies have shown that landfill gas collection systems do not effectively limit gas emissions to acceptable levels. The JTD also fails to address

In summary, the Gregory Canyon Landfill project poses an unacceptable risk to local, irreplaceable natural water resources, and, indeed, to

Commentor: Laura Tenhunen -- Private Individual

Section:

Comment:

The plastic liner will fail. Long term exposure to the toxic chemicals in the leachate, together with the extreme pressure of the overlying

Once it fails, monitoring the path of the toxic leachate will be nearly impossible. The toxic leachate will travel through numerous cracks

Commentor: Laura Tenhunen -- Private Individual

Section:

Comment:

There is no clearcut, detailed water replacement plan for contaminated well water. The project should not be allowed to proceed without

Commentor: Laura Tenhunen -- Private Individual

Section:

Comment:

Filtering any detected contaminated water, as the project proposes, may not be sufficient. Again, due to the fractured rock substrate

Commentor: Lonnie Thibodeaux -- City of Oceanside

Section:

Comment:

Where are you going to find replacement water for six million gallons a day when we're having trouble getting any other desals online in the county, such as Poseidon. We understand the nature of the aquifer, because we've been dealing with it so long. And we know that we need to protect the aquifer, because in the future we'll be needing more and more water that's not easy to treat.

We have serious concerns because of our economic interest in the water supply.

We do request that we do provide immediate notification of all participants in the aquifer, all people that have a vested interest in it, and that we're involved in any fix that occurs if there is damage to the aquifer in any way, especially downstream.

Commentor: Marijo Van Dyke -- Private Individual

Section:

Comment:

Commentor: Sheila Walson -- B.A.R.C.

Section:

Comment:

Where will the replacement water come from? This issue needs to be resolved.

Commentor: Gerald Walson -- Private Individual

Section:

Comment:

It appears that since Olivenhain Municipal Water District has withdrawn their commitment to supply water to Gregory Canyon, their EIR which tentative order R9-2009-004 was based on is invalid. Therefore, the tentative order should be cancelled and reconsidered when a new EIR becomes available.

Commentor: Gerald Walson -- Private Individual

Section:

Comment:

It is inconceivable that the RWQCB would consider granting a permit to Gregory Canyon without analyzing the impact and ramifications of a spill contaminating the basin aquifers.

If the aquifer is contaminated how will it be cleaned and at what cost?

It appears that the RWQCB doesn't have a clue as to how to address this issue. The RWQCB should consider three scenarios, mild contamination, moderate contamination, and severe contamination. Failure to consider the ramifications of a basin contamination would be a severe dereliction of the Agencies responsibility.

Commentor: Gerald Walson -- Private Individual

Section:

Comment:

Since the discharger is responsible for providing replacement water to all parties impacted by a spill, it is mandatory that this plan be available before any permits are approved. Given the severe water crisis that we are in and given that the prolonged drought is predicted to exist into the future, it is mandatory that a secure water source be identified and obligated as required before any permits are issued.

Commentor: Gerald Walson -- Private Individual

Section:

Comment:

Another glaring deficiency is the notification time to impacted users. all users should be notified within 24 hours any time the discharger concludes that a release has proceeded beyond the facility boundaries so that they may take appropriate action. Failure to notify these user's timely may put them at risk.

Commentor: Gerald Walson -- Private Individual

Section:

Comment:

Who and how is monitoring being conducted and on what kinds of waste that are being dumped?

Commentor: Gerald Walson -- Private Individual

Section: A.6

Comment:

Since most people agree that the dump will fail at some point and that since this is a relatively new process in an extremely sensitive area these records should be maintained for at least 20 years. Only in hindsight may one be able to determine that an event was missed that should have been detected.

Commentor: Gerald Walson -- Private Individual

Section: D

Comment:

Any evidence of a release should be reported immediately.

Commentor: Gerald Walson -- Private Individual

Section: D.6

Comment:

Who is monitoring the compliance for erosion control? i.e. that necessary erosion control is being implemented timely.

Commentor: Gerald Walson -- Private Individual

Section: Finding No. 14

Comment:

What is the size of the storage tank?

Commentor: Gerald Walson -- Private Individual

Section: Finding No. 23

Comment:

What are the financial assurances and how were they determined?

Commentor: Gerald Walson -- Private Individual

Section: Finding No. 3

Comment:

How will waste content be inspected for allowable waste?

Commentor: Gerald Walson -- Private Individual

Section: Finding No. 6

Comment:

Where are all the aquifers in the SLR River basin identified and described?

Commentor: Gerald Walson -- Private Individual

Section: Finding No. 7

Comment:

Where are all the Wells identified that can be impacted by a spill from Gregory Canyon? All downstream Wells to the ocean need to be identified.

Example, the city of Oceanside and numerous other wells in the River downstream could be contaminated by a spill.

Commentor: Gerald Walson -- Private Individual

Section: G.2

Comment:

All users should be notified within 24 hours any time the discharger concludes that a release has proceeded beyond the facility boundaries. All users in the area or down stream should be notified of this occurrence so that they may take appropriate action. Failure to notify these user's may put them at risk.

Commentor: Gerald Walson -- Private Individual

Section: H.12

Comment:

Where are all the Wells in the San Luis Rey in the vicinity of Gregory Canyon and downstream to the ocean identified? Since the discharger shall provide replacement water to all affected parties, it is mandatory that this plan be available before any permits are approved. Given that the state is in a serious prolonged drought that is predicted to exist into the future, it is mandatory that a secure water source be identified and obligated as required before any permits are is

Commentor: Gerald Walson -- Private Individual

Section: I.7

Comment:

Before any change in ownership is allowed to occur, the RWQCB must verify that the new owner is capable of assuming the necessary obligations.

Commentor: Gerald Walson -- Private Individual

Section: I.9

Comment:

The discharger shall report any noncompliance which may endanger human health or the environment within 24 hours from the time the owner becomes aware of the circumstances. The discharger may not know for some time that this event has occurred. What is the probability of determining that such an event has occurred timely.

Commentor: Gerald Walson -- Private Individual

Section: Technical Report

Comment:

This description has numerous errors that were pointed out at the workshop and should be corrected.

Commentor: Jeri Walz -- Private Individual

Section:

Comment:

I wish to express my opposition to the Tentative Order No. R9-2009-004 Waste Discharge Requirements for the Gregory Canyon Ltd
Gregory Canyon Landfill.

I would like to urge the Board not to adopt it because eventually the landfill will leak, contaminating and ruining the precious natural water resources in the San Luis Rey River and many wells in the area. It makes no sense to sacrifice these natural water resources for the landfill.

Commentor: John Weil -- San Diego County Board of Supervisors

Section:

Comment:

Landfill liners leak.

Commentor: John Weil -- San Diego County Board of Supervisors

Section:

Comment:

The proposed landfill poses a threat to water quality of the San Luis Rey River.

Commentor: Joy Williams -- Environmental Health Coalition

Section:

Comment:

The location of the proposed Gregory Canyon landfill project site is unacceptable for a Class III municipal solid waste landfill due to its close proximity to beneficial surface and groundwater sources. The San Luis Rey River and watershed serves a variety of existing and potentially beneficial uses to the citizens of San Diego County, including providing water supply for the Pala band, San Luis Rey Municipal Water District, City of Oceanside, County Water Authority and private agricultural users. The existing drought conditions of Southern California, and water importation cutbacks, required from court cases such as the Delta Smelt ruling, make it even more vital to protect the existing and potential water supply sources that exist within the region. Landfills have high potential to pollute surface and groundwater resources, regardless of engineering specifications. Currently, 7 landfills are listed as Superfund sites in Region 9 alone of the Environmental Protection Agency (Environmental Protection Agency. Region 9 Superfund site list. Accessed on 7.5.09. Available at <http://yosemite.epa.gov/r9/sfund/r9sfdocw.nst/vwsoalphabetic?openview>) . Additionally, the San Diego County 2005 Siting Element (San Diego County. Integrated Waste Management Plan. Countywide Siting Element. 2005 5-year revision final) specifically states that in regards to landfill location, "sites with poor groundwater are more desirable than sites with good water quality". The San Luis Rey watershed serves as an important existing and future water supply source for the San Diego region. A more appropriate location for a landfill would be in a location where groundwater and surface water resources are not such a vital component to potable water supply of San Diego County. It is not clear why RWQCB supports the location of a municipal landfill in an area where water quality is difficult to monitor and where surface and groundwater are regularly used for agricultural and municipal purposes.

Commentor: Joy Williams -- Environmental Health Coalition

Section:**Comment:**

The location of the proposed Gregory Canyon landfill project site is unacceptable for a Class III municipal solid waste landfill due to its consideration as an important and sacred cultural resource for the Pala band. This is an important environmental justice consideration in the siting of this landfill; as noted above. CalEPA's Environmental Justice guidelines require California environmental regulatory agencies to incorporate environmental justice considerations into their permitting and siting decisions.

Commentor: Joy Williams -- Environmental Health Coalition

Section:**Comment:**

The location for the proposed Gregory Canyon landfill project is unacceptable for a Class III municipal solid waste landfill due to the underlying hydrogeology. This finding is confirmed by the information contained in the RWQCB Technical Report (Staff Report)' (California Regional Water Quality Control Board. Order No. R9-2009-0004 for Gregory Canyon LTD. Proposed Gregory Canyon Landfill. San Diego County Technical Report (Staff Report). 2009. Available at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/land_discharge/docs/

gregory_canyon/GC Lstaffrpt.pdf). The Staff Report states that the geologic units underlying the proposed landfill footprint include alluvial, weathered bedrock and unweathered fractured bedrock aquifers. The Staff Report further states that fractured bedrock aquifers are unique in that groundwater flow is directed by the rock fractures, and groundwater flow in fractured bedrock aquifers is extremely difficult to predict with confidence. Page 23 of the Staff Report further states that "the unpredictability of fracture location and groundwater flow imparts additional uncertainty in the effectiveness of detection monitoring systems for groundwater in fractured rock aquifers". EHC urges RWQCB to reject any approvals, permits, requirements or programs associated with the Gregory Canyon Landfill project because 1) RWQCB cannot determine if the proposed groundwater detection monitoring network will comply with the performance requirements of various State and federal regulations (page 23 Staff Report); and 2) Discharges of pollutants are difficult to detect, delineate, and remediate in fractured rock aquifer in a short period of time. (Page 24 of Staff report).

Commentor: Joy Williams -- Environmental Health Coalition

Section:

Comment:

The location of the proposed Gregory Canyon landfill project site is unacceptable for a Class III municipal solid waste landfill due to its close proximity to the San Luis Rey River and 100-year and 500-year floodplain. The proposed project is located adjacent to the San Luis Rey River. Landfills should not be located next to a river due to the fact that over time, all natural watercourses have the potential to migrate from their current watercourse. In the long-term, placing a landfill adjacent to a river increases the susceptibility for erosion and associated water contamination in the long-term. Additionally, EHC understands the proposed project site is located within a 100-year and 500-year flood plain, although the landfill footprint is not directly within these areas. A municipal landfill should not be located on a project site that has ANY area located within a floodplain. The San Diego County Siting Element specifically states that "Class III landfills cannot be sited within a 100-year floodplain". In addition to the project site being located within a flood plain, the San Diego County Water Authority pipelines 1 and 2 are also in the project vicinity. In the event a rupture of these pipelines occurs, the project site could be impacted. Additionally, global climate change has created increased uncertainty related to predicting climatic events and flooding. Areas suitable for landfills include site locations throughout the County that are not within floodplains or adjacent to rivers.

Commentor: Joy Williams -- Environmental Health Coalition

Section:

Comment:

The location of the proposed Gregory Canyon Landfill is in an area that will contribute to the inequitable environmental burdens borne by San Diego residents who are nonwhite and economically disadvantaged. CalEPA and its member agencies, including the State Water Resources Control Board/Regional Water Quality Control Boards (the Boards) have adopted an Environmental Justice Intra-Agency Strategy and an Environmental Justice Action Plan that

commit the agencies to pursuit of environmental justice in all their actions. State and Regional Boards have developed four environmental justice program goals, which are:

1. Integrating EJ considerations into the development, adoption, implementation and enforcement of Board decisions, regulations and policies.
2. Promoting meaningful public participation and community capacity building to allow communities to be effective participants in Board decision-making processes.
3. Working with the Office of Environmental Health Hazard Assessment to improve research and data collection in communities of color and low-income populations.
4. Ensuring effective cross-media coordination and accountability when addressing environmental justice issues.

The first goal, that of integrating EJ considerations into the development, adoption, implementation, and enforcement of Board decisions ~ regulations, and policies, very clearly applies to all regulatory actions regarding the proposed landfill at Gregory Canyon. The proposed dump raises serious environmental justice concerns. The landfill would be located immediately adjacent to the Pala reservation, home to 600 people, in a rural census tract, which, according to the 2000 Census, is 61 % nonwhite. The final EIR finds that the dump will have environmental impacts that are significant and unremediable, including air quality, noise, traffic, vibration, and aesthetics. All this is sufficient to establish that the proposed landfill is an environmental justice issue. Of the five existing operating landfills within San Diego County, three (Otay, Borrego Springs, and Miramar) are located in zip codes that have poverty levels which exceed the national average' (Based on 2000 Census data. Compiles and presented by ZIPskinny demographics. Accessed on 7.6.09. Available at: <http://7.ipskinny.com>). Of the three landfill projects proposed to accommodate the future solid waste needs of San Diego County (existing Sycamore landfill expansion, new Campo Landfill and new Gregory Landfill), 2 (Gregory Canyon and Campo) are located in zip codes with poverty levels that exceed the national average. Within San Diego County, 5 of the 7 existing or proposed public municipal landfills are located in zip codes with poverty levels that exceed the national average. To further our point, the average percentage of white persons in San Diego County is 79.6' (U.S. Census Bureau. State & County Quick Facts. Accessed on 7.7.09. Available at: <http://quickfacts.census.gov/qfd/states/06/0607.html>). Of the 7 existing or proposed public municipal landfills, 6 are located in zip codes where the average percent of white persons is below the County average (Based on 2000 Census data. Compiles and presented by ZIPskinny demographics. Accessed on 7.6.09. Available at: <http://zipskinny.com>). EHC urges the RWQCB to acknowledge this disproportional siting of public municipal solid waste facilities by rejecting any approvals, permits, requirements or programs associated with the proposed Gregory Canyon landfill.

Commentor: Joy Williams -- Environmental Health Coalition

Section:

Comment:

The frequency of monitoring requirements listed in the Monitoring and Reporting Program (M&RP) should be increased, given the unique site characteristics for the project. Additionally, to ensure accurate and unbiased monitoring activities, RWQCB or another appropriate Public Agency should be responsible for all monitoring activities. Associated costs of such monitoring should be incurred by the Discharger.

Commentor: Joy Williams -- Environmental Health Coalition

Section: D.2

Comment:

Load check programs typically rely on simple visual inspection of incoming loads and are not able to keep more than a fraction of hazardous items out of landfills. The discharger should be required to develop an effective load check program and documentation of its effectiveness in keeping prohibited waste out of the landfill.

Commentor: Joy Williams -- Environmental Health Coalition

Section: D.6.c

Comment:

The requirements associated with the implementation of necessary erosion control measures, construction, maintenance, or repair of precipitation and drainage control facilities should be increased from annually to monthly, at a minimum. The potential adverse impacts associated with a failure in the surface drainage system warrant a precautionary, rather than reactive, approach to landfill maintenance. Due to the unique site characteristics of this proposed project, all regulatory requirements should be exceeded, rather than simply met. Additionally, the RWQCB or other appropriate Public Agency should be responsible for the implementation of all monitoring of landfill systems, to ensure an unbiased evaluation of project operations. Fees associated with any Public Agency monitoring should be at the expense of the Discharger.

Commentor: Joy Williams -- Environmental Health Coalition

Section: D.8.a

Comment:

Due to unique site characteristics, annual testing of the LCRS system as currently listed is inadequate. Requirements should be increased to monthly submittals and a Public Agency should be responsible for the implementation of monitoring. Fees associated with any Public Agency monitoring should be at the expense of the Discharger.

Commentor: Joy Williams -- Environmental Health Coalition

Section: E.1

Comment:

Due to unique site conditions, precipitation and drainage facilities should be required to accommodate precipitation from a 48 hour storm with a 500-year return frequency. Requirements per CCR Title 27 Section 20260 (c) should be exceeded, rather than simply met.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 14

Comment:

The GAC system capabilities should be expanded beyond VOCs and TDS to include to all pollutants potentially associated with solid waste landfills, such as iron, manganese, selenium, VOCs, perchlorate, boron and MBTE. Under no circumstances should treated water of any kind be discharged into the San Luis Rey River, a beneficial source of municipal water.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 17

Comment:

Due to the unique site characteristics of the proposed project site for this landfill, EHC encourages the RWQCB to require the proposed project to exceed, rather than simply comply with, the groundwater monitoring performance requirements of CCR Title 27 for detecting release or discharge of waste constituents from the WMU into the groundwater within the fractured rock aquifer.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 19

Comment:

Due to the existing and predicted water shortages facing the Southern California region, RWQCB should require the development of a replacement water contingency prior to the issuance of any Waste Discharge Requirements. Due to the unique site characteristics, this project has an elevated risk for contributing undetectable contamination to surface and groundwater. To that extent, it is unrealistic to assume there are any adequate replacement water sources for private and public well owners in the case of water contamination. The water contingency plan should address the following users: Pala band, San Luis Rey Municipal Water District, City of Oceanside and the San Diego County Water Authority.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 23

Comment:

Does RWQCB anticipate the financial assurances required by CCR Title 27 Section 22112(a) to be sufficient enough to offset any potential impacts associated with groundwater or surface water contamination? The existing and future water users associated with this watershed include the San Luis Rey Municipal Water District, the City of Oceanside and the County Water Authority.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 24

Comment:

If the RWQCB issues Waste Discharge Requirements for the proposed project, it would appear that the Agency believes the benefits associated with the construction of a 30-year landfill outweighs the benefits for securing a uncontaminated, quality, long term water supply for municipal and agricultural uses. Please justify why the RWQCB endorses projects with high uncertainties associated with groundwater quality testing in areas heavily relied upon for municipal and agricultural water resources.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 27

Comment:

EHC urges the RWQCB to join other local agencies in the denial of respective project approvals, permits, requirements or programs.

Commentor: Joy Williams -- Environmental Health Coalition

Section: Finding 6

Comment:

As stated above, both the County of San Diego and the RWQCB acknowledge that the local hydrogeology of Gregory Canyon includes fractured bedrock aquifer, which is generally considered unsuitable for the location of municipal landfills due to difficulties associated with water quality testing. Based upon this information, please explain why RWQCB believes the design and location of the proposed Gregory Canyon Landfill project is suitable.

Commentor: Joy Williams -- Environmental Health Coalition

Section: G.5

Comment:

Post-closure maintenance and monitoring should be implemented by the RWQCB or other appropriate Public Agency. Fees associated with such

monitoring should be at the expense of the Discharger.

Commentor: Joy Williams -- Environmental Health Coalition

Section: H.12

Comment:

Due to unique site characteristics, the Discharger should be required to provide the RWQCB with a Water Replacement Contingency Plan prior to construction of the proposed project.

Commentor: Joy Williams -- Environmental Health Coalition

Section: H.20

Comment:

EHC urges the RWQCB to reject the proposed Order.

Commentor: Joy Williams -- Environmental Health Coalition

Section: H.4

Comment:

The Discharger should establish adequate assurances of financial responsibility for implementation of corrective action in response to a release of waste constituents prior to construction of the proposed project. Additionally, given the unique site characteristics, it appears the estimated cost for corrective actions for reasonably foreseeable releases is insufficient to offset any potential impacts to agriculture or municipal water systems. Please provide justification behind the estimate cost for corrective actions.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.11.a

Comment:

Monitoring and reporting requirements for the primary LCRS should be increased from annual to quarterly, due to unique site characteristics.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.12

Comment:

Due to unique site characteristics, sampling of all Monitoring Points and Background Monitoring Points for each monitored medium for all COCs should occur annually, rather than in 5-year increments.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.12.i.

Comment:

To ensure accurate testing, the minimum number of sampling should be increased from one sample to three samples.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.13.a

Comment:

Due to unique site characteristics, site inspections should be required, at a minimum, to occur monthly.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.2

Comment:

The monitoring parameters listed for water samples should be increased to include all pollutants typically associated with municipal landfills, including: fluoride, iron, manganese, selenium, VOCs, perchlorate, boron and MBTE. Appendix II constituents should be listed in this table rather than referenced from another document. Due to unique site characteristics, the frequency of testing should be increased to monthly periods rather than quarterly.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP B.8

Comment:

Due to unique site characteristics, surface water monitoring requirements should be increased from a quarterly period to a monthly period.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP D.1.a

Comment:

To assist in protecting the health of the public, the Discharger should be required to notify the RWQCB within 24 hours, rather than 3 days.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP F.1

Comment:

To assist in protecting the health of the public, the discovery of any previously unreported seepage of liquid waste of water from the WMA should be required within 24 hours, rather than 3 days.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP G.1

Comment:

To assist in protecting the health of the public, notification in the event of a release beyond the facility boundary should be increased to property owners and residents located within 1 mile of the boundary of the facility.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP G.2 and G.3

Comment:

To assist in protecting the health of the public, the requirement of 14 days should be replaced with 2 days.

Commentor: Joy Williams -- Environmental Health Coalition

Section: MRP J. Reporting Schedule

Comment:

We suggest the following changes to the Report Frequency in the table listed on this page.

Report Type	Report Frequency
Water Quality Monitoring	Monthly
Water Quality Monitoring	Monthly
Water Quality Monitoring	Monthly
Storm Water Pollution Prevention Plan	Monthly
Mitigation Monitoring	Monthly
Leachate Monitoring	Monthly
Leachate Retest	Monthly (if necessary)

COC Report years	Monthly for the First 5
COC Report Five years	Monthly for the Second
Final Engineering specifications	No change
CQA Final Report	No change
Erosion Control Report for Implementation of BMPs	Monthly
Replacement Water Contingency Plan	Updated every 5 years
Work plan for Improving Groundwater Detection Monitoring Program	Annually
Work plan for improving Surface Water Detection Monitoring Program	Annually
Report on Analysis of Well held Protection Areas	Annually
Contingency Plan for management/and NPDES permitting of discharges of treated water	Updated every 5 years
Recycled Water	Monthly

Commentor: Judith Withers -- Private Individual

Section:

Comment:

I continue to be astounded, especially in these modern times that as a species we continue to "foul our nests" thereby NOT insuring the continuing health and welfare of our kind. There seems to be a distinct disconnect between what is a sound idea and how much a private corporation has already spent on an idea that is not.

We have always known that San Diego is a desert region and water has always been an issue here. Putting a landfill that WILL eventually leak into the precious water table makes no sense. There are three aquifers and this area is pristine open space. This location is over fractured rock and there is no way to predict where the flow of liquids will go. This landfill will leak and pollute this area and San Diego's water needs will be compromised because of this ill conceived idea and location.

I strongly urge the Board to reject finally this location and this idea . This country is so slow to take action due to bureaucracy that the entire North Pole will be melted and we will still be scratching our heads wondering why we did not do the right thing sooner. Here are some suggestions for reducing the waste in landfills: Ban all plastic and standardize all packaging. Use the new technologies that make disposables out of starches. I buy bio-bags and use them for waste. The bags are totally degradable. I am irritated every time I buy something that has packaging that is not recyclable. Our resources are dwindling. We need to change the way we do business and this will create new business and jobs that are truly green and help preserve our water table.

Please bring back true leadership, free of expectations of large Corporations who donate cash to the media, elected officials, even non-profits in order to garner support for projects like this that do not make sense.

Grouped Comments

Form Letter Regarding San Luis Rey Aquifer

Comment:

I am sending this letter to voice my strong opposition to the proposed Gregory Canyon landfill and to urge the Regional Board to reject the permit for the project. It would be wrong to place a garbage dump on the banks of a major river, and if approved this landfill will forever threaten valuable and decreasing water resources.

Taking into consideration California's ongoing drought it is inconceivable that the Regional Water Quality Control Board would approve construction of a landfill so close to the San Luis Rey Aquifer. Past landfill projects such as Las Pulgas and Poway landfill have shown that so called protective liners all fail eventually. This water source is much more valuable to southern California residences than a trash dump with a 30 year life span.

The Regional Board's duty is to protect water quality. But approving what surely would be the last landfill built in California next to a major river and valuable drinking water sources would violate that duty. Do not make this unneeded project the lasting legacy of this Regional Board.

Commentors:

Irene Frantz, Melodie Perez, Susan Cratty, Angie Wolf, Peggy Smith, Louis Goldich, Stella Albright, Jason Albright, James Dean, Joelle Erb, Darrelle Stiles, Todd Williams, Jill Ward, Shannon Burns, Ricci Duro, Alexis Duro, James Brown, Barbara Brickhouse, Kelly Lucero, Marsha Harris, Bertha Young, Dave Young, Rigoberto Casillas, Frey Raab, Joe Iberri, Lettie May Gibbs, B.J. Skinner, Craig Harris, Harold Hunter, Jim Smith, Elfego Covarnibias, Jason King, Joshlynn Tanner, Paula Valeczuda, Carrie Castro, Melissa Raymond, Todd Ahrens, Athena Russell, Judith Alvarez, R. Leroy Wentz, Carmen Jungenberg, Michael Jungenberg, Robin Carroll, Robert Aquayo, Thad Klimas, Marti Gonzales, Oletha Jean Dicks, Ralph Dicks, Mark Pliska, Lisa Woolly, John Sheridan, Tina Yates, Gary Mercer, Tashina Ornelas, Sandra Mack, Pearl Holliday, Dora Mora, Rolando Mondz, Abraham Leia, Nedra Horn, Sarah Kitzman, Jazmin Pauma

Form Letter Regarding Gregory Mountain

Comment:

I am sending this letter to voice my strong opposition to the proposed Gregory Canyon landfill and to urge the Regional Board to reject the permit for the project. It would be wrong to place a garbage dump on the banks of a major river, and if approved this landfill will forever threaten valuable and decreasing water resources.

A landfill at this site would also desecrate Gregory Mountain and Medicine Rock, sites sacred to Native Americans in southern California. Gregory Mountain, known in Luiseno as "Chokla," is one of the homes and resting places of Takwiic, an important spiritual figure to the Pala and

all Luiseno people. At the base of the mountain lies Medicine Rock, a powerful spiritual site containing rock art figures from our ancestors. Medicine Rock is also the site of ceremonies and religious gatherings for the people. We cannot allow Chokla or the area around Medicine Rock to be desecrated by becoming the site of a trash dump. Building the Gregory Canyon Landfill would defile our sacred land, surrounding it with waste and impurity, and forever destroying it as a site of spiritual significance for us. This land means so much more to us than simply clean land, air, and water; it also means the spiritual survival of our people. There is no way to limit the impact of the project on these sacred sites.

The Regional Board's duty is to protect water quality. But approving what surely would be the last landfill built in California next to a major river and valuable drinking water sources would violate that duty. Do not make this unneeded project the lasting legacy of this Regional Board.

Commentors:

Pamel Cervis, Jacqueline Withers, Tahirih Boisclair, Daniel Withers, Sandra Stoneburger, David Largo, Robert Seith, Annabel Munoz, Yolanda Mackenzie, Robert Mendez, Desiree Levy, Nikki Freeman, Rita Smith, Henry Contreras Jr., Russell Ronie, Paul Valenzuela, Michael Lang, Betty Valenzuela, Linda Nieto, Mel Vernon, Richard Mojado, David Duro Sr., Diana Duro, Roberta Estrada, Virginia Garcia, Michael Valdez, Tiffany Aguayo, Mary Lou Beltran, Deanna Subish, Michael Evans, Marian Walkingstick, Kriscinda Cagey, Fatima Canacho, Ted Ward, Citlalli Gonzalez, Ramona Greene, Alan Mojado, Theresa Nieto, Theresa Villa, LeRoy Riggs, Richard Stephens, Vincent Garcia, Melissa Munoz, JoAnn Smith, Cheryl Majel, Michelle Murillo, Debra Torres, David Duro Jr., Anna Rabago, Christina Rabago, M. Wren, Tessa Smith, Andrew Rocha, Anthony Catate, Shannen Magee, Christina Henry, Matthew Henry, Chantal Ostberg, Philip Fosselman, Marlene Fosselman, Ashleigh Skaggs, Dolores Color, Yvette Mendez, Bruce Guachino, Anita Rodriguez, R. Mel Lavato, Pam Chavez, M. Linton, Cleo Garcia, Lucinda Rangel, Antoinette Smith, Jeonnette Costa, Angela Garcia, Walda Smith, Cris Quintanar, Pearl Nejo, Janice Yazzie, Lucas Russell, Summer Lavato, Charles Hill, Angeline Levy, Grace Levy, Louann Levy, Lorne Levy, Issela Burns, Tiffany Ostberg, Bonnie Segundo, Howard Diaz

Form Email - Save the San Luis Rey River Watershed

Comment:

I urge the Regional Board to oppose the Gregory Canyon Landfill project in northern San Diego County and to deny its pending permit application ("Waste Discharge Permit"). I am concerned the landfill would threaten several critical drinking water sources -- an underground aquifer, the aqueducts run by the county's water authority and the San Luis Rey River itself -- that serve thousands of residents and businesses throughout the region. Heavy rains, earthquakes or a number of other factors could cause the landfill's liner to break, which would result in the leaking of toxic chemicals and irreversible harm to these critical water resources.

The landfill also would threaten more than 1,700 acres of important wildlife habitat as well as sacred Native American lands, including Gregory Mountain and Medicine Rock, which are important spiritual sites for the Pala Band of Mission Indians.

Because of the unacceptable risks posed by the proposed Gregory Canyon Landfill, and the undeniable need to protect our precious water supplies and other natural resources in the face

of an extensive drought and a changing climate, I urge the Regional Board NOT to grant the Waste Discharge Permit for the Gregory Canyon Landfill.

Commentors:

Mike Merlesena, Diane Berliner, Rebecca Hixon, Linda Milks, Doris Smith, Lesley Bindloss, Scott Smith, Vanessa Lampen, Den Ost, Craig Williams, Vesna Breznikar, Linda Saunders, Vira Confectioner, Michael Evans, Jerry Clymo, Kacie Arenson, Julie Elliott, Timothy Johnston, Sharon Tipton, Jean Sargis, Philip Richardson, Jimmy Phi, Adam Carlsson, Erik Haig, Kermit Cuff, Peggy Skinner, Elizabeth Silber, Sheira Freedman, Matthew Ua Cruadhlaioich, John Holmes, C.J. McCarter, Elizabeth McHenry, Ramona Egress, Avars Azalins, John Clegg, Kaye Eshnaur, Rick Kemenesi, Peter Weiner, Jan Hoyle, Genevieve Fujimoto, Judith Holmes, M.J. Gillock, Josh Sonnenfeld, Joshua Ruschhaupt, D Fitzpatrick, Jim Carlson, Timothy Lawnicki, Kathryn Mazaika, Anita Stefko-Joy, Julie Klima, Ragen Tilzey, Rene Garcia, Dinah Fedorow, Ande Marques, Sara Glickstein, Carole Garrett, Candace Bagley, Mark Foy, Hunter Payne, Dennis Beall, Carol Adams-Ramos, Anita Kuhn, Michael Goode, Ashley Ellis, Robert Edwards, Susan Holmgren, Daniel Cuesta, Richard Miller, Patricia Horwath, Shirley Harris, David Hind, Mary Ann Cramer, Ameer Sanghvi, Marc Chapon, Roberta Heist, Carol Goldstein, Bonnie Farrow, Burt Torgan, Lynn Chuba, Sean Kelly, Lynette Carlton, Catherine Bidart, Mary Rossi, Brenda DeBernardi, James Callner, Richard Blakemore, Mike Clipka, Lia Benvenuti, Ryan Thomas, Lauri Heikkila, Rebecca Rogers, Richard McConaughy, Gene Wedge, Mary Schulz, R. Kleinerman, Catherine McAteer, Nancy Myers, Macai Polansky, Christina Cullen, Andy Jones, Tracey Dennis, John Varga, Summer Griffin, Todd Feller, Scott Morrison, Elyse Couvillion, Jeffrey Myers, Jason Agnew, Alene DiDio, Philip McClain, Bonnie Birk, Ellen Horstman, Jessica Dora, Dave Thomas, George Smith, Robert Davis, Peggy Andersen, Narineh Melkonian, Laura Bell-Gia, Robert Lappo, Linda Nicholas, Livya Howard-Yashar, Therese Ryan, John Walton, Joan Scott, Tiziana Perinotti, Ruth Ungar, Chaitanya Diwadkar, Jonathan So, Mary Boyce, Robert Seton, Manuel Carreira, Harald Conradi, Ken Arconti, Greg Nuckols, Patricia Welty, Carol BenDixen, Alana Heath, Steve Freedman, Alan Marcum, Celeste Storrs, Laraine West, Gayle Fisher, Idajane Dalpino, James Hunt, Shawn Delehanty, Christopher Beate Chee, Darrell Neft, Julie Kozyk, Laurel Scott, Gale Vavra, William Cendak, John Kohler, Adam Goldman, Jeanne Slominski, Don Schwartz, Judit Muller, Eugene Topalian, Marc Silverman, John Groves, Kelly Marshall, Marilyn Turley, Christina Smith, Jamie Conrad, Rachael Hamilton, Kristina Long, Probyn Gregory, Tiffany Clark, Patti Bagdanov, Scott Warwick, Ted Ingalls, Jennet Amonte, Nancy Simon, Jill Bachelis, Patricia Bolt, Tamsin Kelly, Eric Velazquez, Michael Robinette, Israel Valdez, Jewell Hargleroad, Ron Avila, Nancy Kramer, Ian Noah, Matt Richardson, Donald Webb, Greg Perkins, Elliott Salter, Barry Klein, Silvia de los Santos, Oakley Howell, Patricia Polanka, Douglas Kastle, David Rice, Dave Kajtaniak, Cameron Barfield, Donna Gardner-Englund, Suzanne Pena, Joan Barrow, Nancy Kelly, Deborah Walter, Michael Goode, Shauna Fisher, Ralph Jenniches, Arden Sweet, Michelle Horeczko, Marc Rachmuth, Donald Dean, Denese Stokes, Andrew Raaf, Shoshanah McKnight, Marcia Guzzetta, Duncan Pairman, Alma Pagliarulo, Ellen Geisler, Karen and David Ragan-George, Michele O'Dell, Barbara McVein, Jamie Jeffries, Craig Tappen, Anita Wald-Tuttle, Jason DiBari, Rich Nielsen, Tessa Thornton, Mitch Townsend, Jennifer Quashnick, Andrea Martin, Pauline Zamora, Erica Nguyen, Hope Michelsen, Christine Pasmore, Gabriel Almazan, Maryellen Redish, Martin Offenhauer, Joseph Sebastian, Jennifer Harmatz, Marian Smith, Darlene Catron, Kathryn LaShure, Danielle Davidian, Sandy Levine, Tiphani Rivas, Rochelle McLaughlin, Kim Cox, Richard Cook, Elizabeth Schweitzer, John Eichelberger, Pamela Lu, Jennifer Perez, Amy Bostick, Jesse Palmer, Peggy Cooley, Philip Power, Dawn Hardaker, Russell Blandino, Norma Harrison, Carol Bostick, Hilarey Benda, Judith Dalton, Alyssa Walz, Barbara Kelly, Webb Stevens, Sara Flynn, Tim Barnett, Elaine Trujillo, Jami

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